

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7039 of 2025

Arising Out of PS. Case No.-185 Year-2021 Thana- NAUTAN District- Siwan

Achyalal Yadav @ Akshaylal Yadav S/O Late Shambhu Yadav Resident of
Village And Post- Jaijor, P.S- Andar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Nautan P.S. Case No. 185 of 2021 registered for the offences under Sections 302 and 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, police received information about two youths receiving injuries in an accident and lying down on a road. Police reached there and one of the youths was found dead and other was crying with pain. The injured youth disclosed that they were transporting illicit liquor and 5-6 persons stopped them and assaulted them with *lathi* and bamboo and tried to snatch the sack containing illicit liquor. When Sikander Yadav tried to run with scooty, one of the miscreants shot him in the head. When the people started



assembling, they fled away leaving behind their motorcycles. The name of the petitioner transpired during investigation for being involved in the occurrence.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Name of the petitioner came up in this case on the basis of confessional statement of co-accused Lalu Yadav and Satyendra Yadav. From the FIR, it is apparent that co-accused Satyendra Yadav and 5-6 unknown persons committed murder of Sikandar Yadav but there is no involvement of this petitioner. Except for confessional statement of co-accused persons, there is nothing on record to show the complicity of the petitioner in the alleged occurrence. There is no direct or indirect evidence against the petitioner who has been made scapegoat by the informant. There is no eye-witness to support the allegation against the petitioner. During entire investigation no cogent material has come against the petitioner to connect him with the offence as alleged. Nothing incriminating has been recovered from the person or possession of this petitioner. Petitioner has no concern with the business of illicit trade of liquor. Only on the basis of conjectures and surmises this petitioner has been dragged in the present case and



no offence under Section 302 of IPC is made out against the him. Petitioner is in custody since 28.11.2024 and charge-sheet has been submitted. Petitioner is having antecedent of two more cases.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague nature of allegation against the petitioner without any substantive material and also considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-4th, Siwan/concerned court in connection with Nautan P.S. Case No. 185 of 2021, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court



below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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