

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14414 of 2025

Arising Out of PS. Case No.-236 Year-2016 Thana- SALAKHUA District- Saharsa

Sachin Yadav, aged about 46 years, Gender-Male, S/O Lalit Kishore Yadav,
R/O Village- Raghunathpur, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate and Mr. Bhaskar Shankar, Advocate
For the Opposite Party	:	Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 22-07-2025 Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in Sessions Trial No. 24 of 2019, arising out of Salkhua P.S. Case No. 236 of 2016 dated 15.12.2016 registered for the offences punishable under Section 302 read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 27.10.2016 at 12.00 P.M., the informant alongwith his father was returning to his house with their buffalo and when they reached near the house of the co-accused Lalit Yadav @ Photo Yadav then accidentally his buffalo started eating his fodder, due to which, a scuffle took place between the father of the informant and Sachin Yadav



(petitioner) and the co-accused Gunjan Yadav. Thereafter, on the order of Lalit Yadav @ Photo Yadav, the co-accused Gunjan Yadav caught hold of the father of the informant and Sachin Yadav (petitioner) fired on him which hit on the head (forehead). Thereafter, the injured was brought to the private hospital in Begusarai from where he was referred to P.M.C.H., Patna, where in course of his treatment, he died.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the genesis of the occurrence is that the buffalo of the informant ate the fodder of the petitioner and same does not constitute motive for killing the deceased. The brother and the father of the petitioner have also been made accused in the present case giving specific role and during the entire occurrence, the informant was just watching them without protesting. It is further submitted that during the course of investigation, the Investigating Officer visited the place of occurrence and did not find any blood stains or pellets which itself creates doubt on prosecution story. It is further submitted that the occurrence took place on 27.10.2016 at 12.00 P.M., but the F.I.R. has been lodged on 29.10.2016 at 11.00 A.M., at P.M.C.H., Patna after



death of the informant's father and for the delay in lodging the F.I.R., no explanation has been given by the prosecution. The other co-accused person, Gunjan Kumar @ Mukhiya Jee @ Gunjan Yadav ,has already been granted bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 25698 of 2019 vide order dated 17.08.2019. The petitioner has three criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 06.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has submitted that the petitioner is named in the F.I.R. Learned A.P.P. for the State has further submitted that the co-accused Gunjan Yadav caught hold of the informant's father and the petitioner fired on him, due to which, he died in the hospital during the course of his treatment. The doctor has conducted postmortem of the deceased and has opined cause of death-'Coma due to above mentioned injury caused by firearm and nature of weapon-firearm'.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of accusation against the petitioner, this Court is not inclined to grant bail to the petitioner



and the same is rejected in connection with Sessions Trial No. 24 of 2019, arising out of Salkhua P.S. Case No. 236 of 2016, pending in the court of learned District and Additional Sessions Judge-III, Saharsa.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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