

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37735 of 2025

Arising Out of PS. Case No.-106 Year-2015 Thana- SHAMBHUGANJ District- Banka

Sanjay Yadav Son of Siya Ram Yadav R/o Village - Asota, P.S.-
Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Karuna Nath Sahay, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For the Informant	:	Mr. Ravi Prakash Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Shambhuganj P.S. Case No.106 of 2015, registered for the offences punishable under Sections 147, 148, 149, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 10.11.2015, while brother-in-law (Shambhu Kumar Yadav) and father-in-law (Suresh Yadav) of the informant were making boundary wall in the meantime at about 3:30 pm, all the accused persons including this petitioner having armed with rifle, gun and *masket* came and started firing. It is alleged that this petitioner and co-accused Shekhar Yadav fired shot on Suresh Yadav due



to which he died on spot. It is also alleged that co-accused Shekhar Yadav fired shot on Shambhu Kumar Yadav as a result of which, he sustained injury near his eyes, thereafter, all the accused persons fled away from the spot. The injured Shambhu Kumar Yadav died on 25.11.2015 during course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to dirty village politics. Further submission is that no incriminating material has been recovered from the conscious possession of the petitioner. From perusal of F.I.R., it appears that Sanjay Yadav (petitioner) and Shekhar Yadav gunned down father-in-law of the informant but in the Postmortem report only one fire arm injury was found on the deceased Suresh Yadav, therefore, medical report does not corroborate the same. During investigation, none of the witnesses attributed specific allegation of firing by the petitioner. It is also submitted that the charge-sheet has already been submitted in this case and there is no chance of absconding of the petitioner or tampering with the evidence. Petitioner is in custody since 23.01.2025 and he undertakes to cooperate in the trial.

5. Learned APP for the State and learned counsel for the informant vehemently opposed and submitted that it is a



case of double murder. There is direct allegation of firing upon father-in-law of the informant against this petitioner due to which he died on the spot. It is further submitted that petitioner has got two criminal antecedents. It is also submitted that petitioner was declared absconder and he was arrested on 23.01.2025. Therefore, petitioner does not deserve to be enlarged on bail.

6. Considering the aforesaid facts and circumstances of the case, the nature of allegations made against the petitioner and the submissions of learned counsels for the parties, this Court is not inclined to grant regular bail to the petitioner. Accordingly, his prayer for regular bail is rejected.

(Sunil Dutta Mishra, J)

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