

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59458 of 2025

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKANDRA District- Jamui

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Nagendra Yadav @ Nago Yadav S/O Janeshwar Yadav R/O Village-
Sundarbad, P.S.- Sikandra, Dist.- Jamui (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Sr. Advocate Mr. Shashi Kumar, Advocate Mr. Ashutosh Kumar, Advocate Mr. Ravi Kumar, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Sanjeev Kumar, Advocate Mr. Umesh Prasad, Advocate Mr. Mrityunjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 12-09-2025 Heard learned Senior Counsel for the petitioner,

learned APP for the State and learned counsel for the informant.

2. This is the third attempt on behalf of the

petitioner for grant of bail in connection with Sikandra P.S. Case
No.249 of 2022 registered for the offence under sections 147,
148, 149, 341, 323, 324, 325, 307, 354-A 354-B, 504, 506 and
302 of the Indian Penal Code.

3. Earlier, the prayer of the petitioner for grant
of bail has been rejected vide order dated 10.01.2024 and
20.12.2024 passed in Criminal Miscellaneous No.75374 of 2023
and Criminal Miscellaneous No.38091 of 2024 respectively.

4. As per the F.I.R., the petitioner and other



accused persons are said to have assaulted Reena Devi with *farsa*, who later on died.

5. It has been submitted by learned Senior Counsel for the petitioner that co-accused Narendradeo Yadav @ Narendra Yadav @ Neeru Yadav having similar allegation has been granted bail by a coordinate Bench of this Court vide order dated 17.07.2023 passed in Criminal Miscellaneous No.19579 of 2023.

6. Learned Senior Counsel for the petitioner has produced a certified copy of the order-sheet of the court below and has submitted that out of eleven charge-sheeted witnesses, only two witnesses have been examined and thereafter in the last eight and half months only one prosecution witness has been examined, which is apparent from the certified copy of the order-sheet. He has further submitted that the petitioner is in custody since 30.04.2023 and the delay is being caused by the prosecution who are taking time to produce their witnesses and there are eight more witnesses yet to be examined in the trial.

7. Learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer of the petitioner for grant of bail.



8. Learned counsel for the informant has submitted that the petitioner is one of the assailants of the deceased and he prays that a report regarding the stage of trial may be called for from the learned trial court.

9. I have considered the submissions of the parties.

10. When the informant is being represented by a counsel, it is the duty of the counsel for the informant to give the status of the case by producing the certified copy of the order-sheet of the trial court. He has not made any submission that more than three witnesses have been examined and the petitioner is making a false submission.

11. Considering the fact that similarly situated co-accused namely, Narendradeo Yadav @ Narendra Yadav @ Neeru Yadav has been granted bail by a coordinate Bench of this Court and also considering the delay in trial which is attributable to the prosecution, coupled with the law laid down by the Hon'ble Supreme Court in the case of ***Tapas Kumar Palit vs. State of Chhattisgarh*** reported as ***2025 SCC OnLine SC 322***, this application is allowed.

12. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jamui / concerned Court below, in connection with Sikandra P.S. Case No. 249 of 2022, subject to the following conditions:-

- i. both the bailors will be the close relatives of the petitioner.
- ii. the petitioner shall mark his attendance at Sikandra Police Station, District- Jamui on first and third Sunday of each month. Any default in appearance at the Police Station would result in cancellation of bail bonds of the petitioner.
- iii. the petitioner will cooperate in trial either by appearing personally or through his lawyer on each and every date fixed in the trial. If the petitioner fails to appear in the trial on two consecutive dates without assigning any reason then his bail bonds shall be cancelled by the court below.

13. The certified copy of the order-sheet of the



trial court produced by learned Senior Counsel for the petitioner
is taken on record.

(Sandeep Kumar, J)

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