

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69536 of 2025

Arising Out of PS. Case No.-135 Year-2023 Thana- SIRDALA District- Nawada

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Sandeep Yadav @ Sandeep Prasad Yadav @ Sandeep Prasad S/O Dukhi
Yadav Resident of Taran, Post- Khanwan, P.S.- Sirdala, Dist.- Nawada, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rishav Dev, Advocate

For the Opposite Party/s : Ms.Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 21-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner renews his prayer for regular bail in connection with Sirdalla P.S. Case No. 135 of 2023 dated 03-04-2023, registered for an offence punishable under Section 302 of the Indian Penal Code on the ground of prolonged custody since 08-04-2023.

3. Earlier, the petitioner's bail application was rejected vide order dated 26-07-2024 passed in Cr. Misc. No. 40178 of 2024 (Annexure P/1), with liberty to renew his prayer for bail after one year.



4. The allegation against the petitioner is that he killed the informant's sister and tried to disguise the occurrence as a jackal assault.

5. This Court, *vide* order dated 26-09-2025, had called for a report from the Court below regarding the present stage of the trial. Pursuant thereto, a report has been furnished by the learned Additional Sessions Judge-1, Nawada, *vide* letter No. 124/2025 dated 10-10-2025, stating therein that out of eight charge-sheeted witnesses four prosecution witnesses have already been examined.

6. A supplementary affidavit has been filed on behalf of the petitioner, enclosing therewith the depositions of PW's 1 to 4.

7. Learned counsel for the petitioner submits that the prosecution's own witnesses create serious doubt regarding the cause and manner of death. He draws attention to the deposition of PW-2, the informant and brother of the deceased, who categorically stated in paragraph 21 of his cross-examination that there were no injuries on the body of the deceased except a scratch mark on the head. This statement significantly casts doubt on the allegation of a violent assault. Further reliance is placed on the testimony of PW-3, Dr. Neeraj Kumar, who



conducted the postmortem. Although he mentioned that there was a chop wound laceration with blood and blood clot present on the body of the deceased and the skin and muscles of the left cheek were also seen hanging towards the left ear with a small portion attached to lateral border of wound, but he categorically admitted in paragraph 14 of his cross-examination that such injuries could also have been caused by an attack by a wild animal. This medical evidence, therefore, does not conclusively support a death caused by assault and does not implicate the petitioner who is husband of the deceased. These contradictions cast serious doubt on the case of the prosecution and support the petitioner's claim for bail.

8. Learned Additional Public Prosecutor for the State opposes the prayer for bail.

9. Considering the facts and circumstances of the case and having regard to the testimony of PWs 2 and 3, coupled with the fact of the petitioner's prolonged incarceration, as also the liberty granted *vide* Annexure P/1, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st Nawada, in connection with Sirdala P.S. Case No. 135 of 2023.



10. The application stands allowed.

(Khatim Reza, J)

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