

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7181 of 2015

Arising Out of PS.Case No. -73 Year- 2014 Thana -CHANAN District- BANKA

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Pocky Yadav Son of Butan Yadav, Resident of Village- Lilabaran, P.S.-
Chandan (Anandpur), District- Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Murlidhar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-03-2015 Heard both sides.

Mr. Sanjay Kumar Jha, learned counsel appearing on
behalf of the petitioner and the learned A.P.P.

The petitioner seeks bail in Chandan (Anandpuri) P.S.
Case No. 73/14 registered for the offence under Section 302 and
other sections of the Indian Penal Code.

The wife of the deceased made allegation that her
husband was taking wine at the Darwaja of the petitioner Pocky
Yadav. The informant went to bring her husband, but her husband
asked to return.

She further alleged that her husband did not return in
the night. In the next morning, the informant saw the petitioner
dragging the dead body of her husband.



The learned counsel for the petitioner submits that there is no eye-witness of the occurrence. Nobody has seen the petitioner killing the deceased. At best the petitioner was found dragging the dead body and the petitioner can be held responsible for causing disappearance of the evidence and liable to be punished under Section 201 of the I.P.C. which is bailable.

It is further submitted that from perusal of para 61 of Case Diary it would appear that the deceased did not receive any call after 5.00 p.m. On the date of occurrence the informant alleged that deceased received her call at about 8.00 p.m. in the night and this fact itself creates reasonable doubt about the veracity of the prosecution case.

On perusal of the record, it appears that the husband of the informant was found taking wine with the petitioner at his Darwaja, when the informant called her husband, her husband said her to go. When her husband did not return home, the informant and her father-in-law went in search of her husband, but could not trace. In the next morning, the informant saw the petitioner dragging the deceased towards field. Blood stain cot and soid were also recovered from the door of the petitioner.

There appears a strong circumstantial evidence; hence I am not inclined to enlarge the petitioner on bail. Accordingly the same

is rejected.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt/production of a copy of this order, if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail firstly in the trial court.

(Prabhat Kumar Jha, J.)

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