

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39809 of 2016

Arising Out of PS.Case No. -81 Year- 2011 Thana -BIHRA District- SAHARSA

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Santosh Yadav, son of Dashrath Yadav, resident of Village - Mundichak
(Banma O.P.), P.S. - Salkhua, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-12-2016

Heard both sides.

The petitioner seeks bail in S.T. No. 162/2012,
arising out of Bihra P.S. Case No. 81/2011 registered under
Section 302 and others sections of the Indian Penal Code and
Section 27 of the Arms Act.

The informant lodged the case against unknown for
killing of his father. It is alleged that three persons came on a
motorcycle and one of them fired at the temple of his father. The
informant further alleged that his father disclosed the names of the
accused persons but, out of fear of life, the informant did not
disclose the names of the accused persons in the Fardbeyan.

Learned counsel for the petitioner submits that during
the course of investigation, the informant made further statement
in Para 10 of the case diary in which he disclosed the names of



three other accused persons including Raushan Singh but did not disclose the name of the petitioner. Raushan Singh is said to have fired causing the death of the father of the informant. It is further submitted that one Rahul Kumar, in Para 28 of the case diary, disclosed that Raushan Singh and Santosh Yadav fired. Bijendra Yadav, Gajendra Yadav, Surendra Yadav and others conspired to kill Mukhiyaji. It is submitted that two other accused persons have already been enlarged on bail. The petitioner is not the assailant of the deceased. Raushan Singh, who is said to have fired, has also been enlarged on bail vide order dated 30.09.2013 passed in Cr. Misc. No. 18277/2013. The case of the petitioner stands on better footing.

Considering the facts that the petitioner is not named in the F.I.R.; the informant alleged that his father disclosed the name of the accused but out of fear of death he did not disclose the name of any of the accused in his Fardbeyan; later on, some of the witnesses also disclosed the names of the petitioner along with other accused persons but Raushan Singh, who is said to have fired, has already been enlarged on bail; the petitioner has got criminal antecedents but the petitioner is in jail since 17.04.2012 and the petitioner has already remained in jail for more than 4 and ½ months and he has not been put on T.I.P. as yet, the above



named petitioner is directed to be enlarged 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 Sessions Judge I, Saharsa in S.T. No. 162/2012, arising out of Bihra P.S. Case No. 81 of 2011.

(Prabhat Kumar Jha, J)

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