

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1850 of 2019

Arising Out of PS. Case No.-86 Year-2015 Thana- BATH District- Bhagalpur

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Fantush Yadav @ Fantush Kumar S/o Bino Yadav Resident of Village - Choti Korian, P.S. Asarganj, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha
For the Opposite Party/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 15-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Bath P.S. Case No. 86 of 2015 registered under Sections 302, 201, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Son of the informant, namely, Shivraj Kumar Yadav, who had gone along with Tata Magic vehicle to the burning ghat taking dead body was done to death by some unknown miscreants by resorting firing.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has no concern with the aforesaid occurrence. He has been falsely



implicated in this case. There is no eye witness of the occurrence. Only allegation against the petitioner is that he was having some sort of dispute with the deceased two years back. There is no cogent evidence on record indicating the complicity of the petitioner in the occurrence. The petitioner has no criminal antecedent and has been languishing in custody since 29.08.2018.

On the other hand, learned APP for the State vehemently opposing the bail prayer of the petitioner submitted that several witnesses in the case diary have unanimously stated that one Neelam Devi, who happen to be aunt (Mami) of the petitioner was having illicit relation with him. She was also having illicit relation with deceased Shivraj Kumar Yadav. On the date of occurrence, Neelam Devi called the deceased at the place of occurrence and the deceased proceeded with Tata Magic of Rajesh Kumar Yadav and on the way five accused persons blind folding Rajesh Kumar Yadav dropped him from the vehicle and subsequently gunned Shivraj down. Witnesses have also stated about witnessing of Neelam Devi and deceased at the place of occurrence on the date of occurrence. Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not



inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of commitment of the case and S.P. Bhagalpur is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Bhagalpur by fax for needful.

(Prakash Chandra Jaiswal, J)

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