

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3092 of 2020

Arising Out of PS. Case No.-19 Year-2019 Thana- SONBERSA District- Saharsa

MANTOSH KUMAR YADAV Son of Phuleshwar Yadav, Resident of Village
- Sahpur, Balu Tola, P.S.- Sonbarsa Raj, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-06-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Sonbarsa Raj P.S. Case No.19
of 2019 registered under Sections 302 and 34 of the IPC and
under Section 27 of the Arms Act.

The gist of the allegation is that the informant (grand-
father of the deceased Dilkhush Yadav) alleged that about two
months earlier his son Mantosh Kumar Yadav (petitioner)
threatened Dilkhush Yadav (son of the petitioner) aged about 16
years to kill and he would not be allowed to use property. On the
date of occurrence at about 11:00 to 11:30 in the night while the
informant along with his own son Santosh Kumar Yadav and
grandson Dilkhush Yadav was sleeping, Santosh Kumar Yadav
heard sound of firing. When he woke up, he saw the petitioner,
his wife, father-in-law, brothers-in-law fleeing away.



Learned counsel for the petitioner submits that the deceased is the own son of the petitioner and the petitioner has got no motive to kill his son. The story as disclosed in the F.I.R. is quite improbable and unbelievable. Some property was purchased in the name of Dilkhush Yadav (son of the petitioner) from the income of the joint family property and for that some dispute arose. The son of the petitioner fell in the bad company and he was killed but taking advantage of unfortunate incident, the father of the petitioner implicated the petitioner for killing of his own son but I find that the deceased was aged about 16 years old. The petitioner had threatened his minor son to kill only because the petitioner solemnized second marriage and some property was transferred in the name of Dilkhush Yadav (son of the petitioner). This fact enraged the petitioner and there is allegation that the petitioner killed his own minor son while he was sleeping.

Having considered the facts aforesaid and the nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within eight months from the



date of receipt of this order. If the trial is not concluded within
eight months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

