

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17345 of 2020

Arising Out of PS. Case No.-229 Year-2019 Thana- MAHUA District- Vaishali

YASWANT KUMAR SINGH @ BABLU Son of Late Binod Singh Resident
of Village - Bilaudpur, P.S.- Mahuwa, District - Vaishali (Hajipur)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 04-11-2020 The petitioner seeks regular bail in connection with
S.Tr. No. 415 of 2019 arising out of Mahua P.S. Case No. 229 of
2019 for the offence punishable under Section 302 and 102(B)
of the Indian Penal Code.

The case of the prosecution in brief is that the informant's nephew namely Yaswant Kumar, who was living at Gurgaon, had suffered loss in his business and had, therefore, returned to his village Bilandpur along with his mother and was residing with the informant and his two grandsons. On 23.04.2019 at about 8 A.M. in the morning, the informant came to know that the petitioner had cut the neck of both his grandsons, whereafter the informant had reached his house and then he saw that his elder grand son Utkarsh Kumar was wreathing in pain in front of the room of the petitioner and huge quantity of blood was flowing out from his neck, whereafter he saw that his second grandson Arush Raj was also wreathing in pain and lot of blood was flowing out from his



neck. It is further alleged by the informant that the petitioner was standing at the place of occurrence with a long knife in his hand, however, in the meantime, several persons had arrived there and had taken the grandsons of the informant to a Nursing home at Hajipur but they were referred to Patna, where they succumbed to their injuries at a Hospital at Patna.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is languishing in custody since 26.04.2019 and is having a clean antecedent.

Per contra, the learned Additional Public Prosecutor, appearing for the State, has vehemently opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties, going through the materials available on record and having perused the case diary, this Court finds that there are ample materials in the case diary to suggest the complicity of the petitioner in the alleged crime. The postmortem report also shows that the death has been caused on account of cutting of neck by knife as also death is stated to have been caused due to shock and haemorrhage resulting from the aforesaid injuries. The witnesses have also supported the prosecution story and the police has submitted a charge sheet against the petitioner herein finding the allegations to be true, as against him. This Court further finds that direct allegation has



been levelled against the petitioner of having sliced the neck of two grandsons of the informant, thus, considering the heinous nature of crime committed by the petitioner and a *prima facie* case having been made out, as against the petitioner herein, for the offences alleged, I do not find any reason to grant the privilege of bail to the petitioner herein, hence, the present petition stands rejected.

(Mohit Kumar Shah, J)

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