

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 16539 of 2020

Arising out of PS Case No.-128 Year-2018 Thana-Baikunthpur District-Gopalganj

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Santosh Kumar Yadaw @ Santosh Kumar, aged about 25 years, male, Son of Lalan Rai, R/o Village-Roop Chhapra (Nawada), P.S.-Sahebganj, District-Muzaffarpur.

.....Petitioner/s

Versus

The State of Bihar

.....Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. S.B.K. Mangalam, Adv.

For the Informant : Mr. Pawan Kumar Singh, Adv.

For the State : Mr. Ajay Kumar, APP

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CORAM : HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

03/- 31.08.2020

Heard Mr. S.B.K. Mangalam, learned Advocate for the petitioner and Mr. Pawan Kumar Singh, learned Advocate for



the informant. The State is represented by Mr. Ajay Kumar, learned APP.

The petitioner seeks bail in connection with Baikunth Pur P.S. Case No. 128 of 2018, dated 03.06.2018, instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

The informant has alleged that the petitioner, who is the first cousin of the deceased, came with few people and ordered to kill the deceased. The deceased, thereafter, was killed.

Learned counsel for the petitioner has submitted that an absolutely false case has been instituted against the petitioner. In support of the aforesaid contention, he draws the attention of this Court to the fact that the F.I.R. has been lodged after a delay of three days. He has further argued that in the investigation report, a person who was sleeping at the brick-kiln, which is the place of occurrence, has stated that when he saw the deceased after waking up, he was unconscious and, thereafter, he was taken to hospital. Learned counsel has pointed out inconsistencies in the prosecution version and has



submitted that the deceased himself was a person of criminal antecedents and, therefore, the possibility of his having been killed cannot be ruled out. Apart from this, it has been submitted that the C.D.R. report also discloses that at the time of the occurrence, the petitioner as well as the deceased were at long distance and, therefore, the possibility of the petitioner having participated in the occurrence appears to be doubtful.

The counsel for the informant, however, has submitted that the informant is an eye-witness to the occurrence and he could save his life any way. He further submits that the petitioner being the cousin of the deceased is guilty of parricide. Apart from this, he has submitted that all these aspects which have been pointed out by the counsel for the petitioner could be seen at the time of trial.

The petitioner is said to be in custody since 14.11.2019.

Regard being had to the nature of accusation against the petitioner, I am not inclined to grant bail to him for the present.

The prayer for bail is rejected.



However, if there is no substantial progress in the trial within a period of nine months from the date of receipt/production of a copy of this order before the Court below, the petitioner would be at liberty to approach this Court again for grant of bail.

The application stands dismissed.

(Ashutosh Kumar, J.)

Praveen-II/-

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