

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12186 of 2021**

Arising Out of PS. Case No.-197 Year-2020 Thana- RAJGIR District- Nalanda

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Santu Rajvanshi aged about 23 years, male, Son of Ajay Rajvanshi R/o
Village/Mohalla- Raispar, P.S.- Rajgir, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj
For the Opposite Party/s : Mr.Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 28-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Rajgir P.S. Case No. 197 of 2020, registered for the offence under Sections 147, 148, 149, 302/201 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 13.06.2020, brother of Shankar Kumar namely Krishna Kumar @ Genda Yadav and brother of Dharmendra Yadav namely Satyendra Yadav had gone out of their house alongwith co-accused Krishna Thathera, but they did not return. Both were searched, but they could not be found. Subsequently, on 18.06.2020, the dead-bodies of Krishna Kumar @ Genda Yadav and Satyendra Yadav were



recovered and informants suspected that all the FIR named accused persons including this petitioner had committed the murder of both deceased, as the petitioner had threatened in past to the deceased with dire consequences.

It is submitted on behalf of petitioner that there is no eye-witness to the occurrence and only on suspicion, the petitioner has been made accused in this case. Only fact, which has come against the petitioner, is that a few days prior to the occurrence, due to some dispute, this petitioner had abused and threatened the deceased for dire consequences. Save & except this, there is no other material or evidence against the petitioner to show his involvement in the aforesaid crime. It is further submitted that there is five days delay in lodging the FIR and there is no explanation for the same. Moreover, as per FIR itself, the deceased had gone from their house with co-accused Krishna Thathera, and not with the petitioner. Petitioner has got clean antecedent and he is in custody since 29.07.2020. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties, materials available on record and the fact that save & except



suspicion, there is no other material against the petitioner to show his complicity in the aforesaid crime, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Biharsharif, Nalanda in connection with Rajgir P.S. Case No. 197 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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