

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12138 of 2021

Arising Out of PS. Case No.-262 Year-2020 Thana- SAUR BAZAR District- Saharsa

SANTOSH YADAV Son of Late Jagdish Yadav Resident of Village - Suhath,
P.S.- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra
For the Informant	:	Mr. Amarnath Jha
For the Opposite Party/s	:	Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 31-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Sour Bazar P.S. Case No.
262 of 2020, registered for the offence punishable under
Sections 307, 302 and other allied sections of the Indian Penal
Code.

As per the prosecution case, on the alleged date and
time of occurrence, while Bhabhi of informant was draining out
rain water all the 19 FIR named accused persons including
petitioner variously armed came there and started assaulting the
brother of informant and other family members, as a result of



which brother of informant became severely injured and succumbed to the injuries.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to political rivalry. In fact, one Diksha Kumari from petitioner side lodged a case bearing Sour Bazar PS Case No. 263 of 2020 against the informant and his family members for the same set of occurrence. There is general and omnibus allegation and no specific overt act has been alleged against this petitioner. Similarly situated co-accused have been granted bail by different benches of this Court vide order dated 01.03.2021 passed in Cr. Misc. No. 39300 of 2020 and dated 15.03.2021 passed in Cr. Misc. No. 39793 of 2020. Petitioner is in custody since 08.07.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that specific allegation of giving fatal blow is against this petitioner and the doctor has also found one fatal injury on the head of the deceased.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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