

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18305 of 2021

Arising Out of PS. Case No.-194 Year-2018 Thana- BARH District- Patna

POKHAN YADAV@ ANANDI YADAV SON OF LATE DEVNANDAN
YADAV R/O VILLAGE- SOIMA, P.S.- BARH, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav, Adv.
For the Opposite Party/s : Mr.Dilip Kr. No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Barh P.S. Case No.194 of 2018, S.T. No.1141 of 2019 registered for the offence punishable under Sections 302/34 of the IPC.

The prosecution case in short is that on 13.6.2018, when informant's nephew namely Sikandar Yadav went to see the maize field, all the FIR named accused persons including the petitioner, who had earlier killed the father of Sikandar Yadav,



caught him. It is alleged that one Bhoni Yadav ordered the petitioner to kill and accordingly, the petitioner shot at Sikandar Yadav on his forehead and he died on the spot. Thereafter all the accused persons fled away saying that they would kill anybody who dared to have enmity with them.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to previous enmity. It is further submitted that Sikandar Yadav has committed suicide by shooting himself dead as he was fed up of the continuous fight between his mother and wife. It is apparent that neither the mother nor the wife of the deceased has been made witness of the case rather the son and wife of a veteran criminal Bhimal Yadav are made eye witnesses in this case. The said Bhimal Yadav has several criminal cases of murders, kidnapping, robbery pending against him and he has been convicted in one of the case for life imprisonment as he has committed murder of family members of the petitioner. Learned counsel submits that after death of the deceased, his wife has filed a complaint case against the mother and sisters of the deceased, which is sufficient to justify that there was continuous



fight between them and for this reason, Sikandar Yadav has committed suicide. It is further submitted that aunt of the petitioner has filed a criminal writ petition as Cr.WJC No.20 of 2020 in this Court with a prayer to re-investigate the case about the fact that the deceased had committed suicide and on 03.03.2020 order has been passed to file counter-affidavit within four weeks but till date no counter-affidavit has been filed. The petitioner has four criminal antecedents and has been languishing in custody since 06.07.2019.

Learned APP for the State opposed the prayer for bail by submitting that there is direct allegation against the petitioner of firing on the head of the deceased due to which he died on the spot.

Considering the facts and circumstances of this case, I am not inclined to grant bail to the petitioner.

Bail petition is hereby dismissed.

However, learned Trial Court is directed to expedite the trial of the petitioner.

(Anjani Kumar Sharan, J)

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