

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29904 of 2020**

Arising Out of PS. Case No.-237 Year-2019 Thana- KISHUNPUR District- Supaul

SANTAN KUMAR @ MADAN YADAV, aged about 27 years (Male), Son of Jagdish Yadav @ Tunay Yadav, Resident of Village- Barahatha, P.S.- Kishanpur, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Pramod Mishra, Advocate.

For the Opposite Party : Mrs. Veena Kumari Jayswal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      05-01-2021      Learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 1 of the bail application.

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

The petitioner seeks bail in a case for the offence registered under Sections 201, 302, 364/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that the son of the informant was accused in a case and due to that fear, he went to Punjab 6-7 months ago. On 12.10.2019, he talked on phone that he came at Supaul and till evening he will reach at home as on 14.10.2019 the court is opening. He will surrender in the court



and get bail. He reached at his home at 7.30 P.M. After reaching home, Manoj Mehta and Chandeshwari Yadav came at his home and took him outside of the house where from before, one *Safari* vehicle and two Motorcycles were standing. Thereafter, they forcibly sat him in the vehicle. On hulla raised by him, the informant and others went there and identified Brajesh Kumar @ Baiju Yadav, Bhupendra Yadav, Ashok Yadav, Dinesh Kumar Yadav, Madan Yadav (petitioner), Fulo Yadav having gun and rifle were sitting in the vehicle and 3-3 persons were riding on the Motorcycles out of them, two persons, namely, Arun Mehta and Sushil Mehta have also been identified by the informant. All accused persons kidnapped his son for the purpose of murder. The informant suspected that accused persons might have killed his son and thrown the dead body.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 17.01.2020. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to previous enmity. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The informant is an eye witness to the alleged occurrence. It is a case of abduction cum murder. The petitioner is alleged to have participated in the abduction of the victim. Later on, his dead body was recovered. Under Section 106 of the Evidence Act, onus is on the petitioner to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Kishanpur P.S. Case No. 237 of 2019, pending in the court of learned Chief Judicial Magistrate, Supaul.

The court below is directed to take all necessary steps to expedite the case and conclude the same preferably within a period of nine months from the date of receipt/production of copy of this order.

**(Sudhir Singh, J)**

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