

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47036 of 2021**

Arising Out of PS. Case No.-37 Year-2021 Thana- MATIYARIA District- West Champaran

Sujeet Kumar @ Nawal Yadav S/o Rajesh Yadav R/o Village- Sherwa Bhuski,
P.S.- Matiyariya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Ms.Suman Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 18-11-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Matiyariya P.S. Case No.
37 of 2021, registered for the offence punishable under Section
302/34 of the Indian Penal Code.

As per the prosecution case, on the alleged date and
time of occurrence, while the informant's son was at his home,
in the meantime, co-villager Sanjeet Kumar came at his house
on motorcycle and took his son. When the son of informant did
not return, informant went at the house of Sanjeet Kumar where
he came to know that his another son Sujee Kumar @ Nawal
Yadav (petitioner) had also gone with him on motorcycle.
Informant got information at 10.00 pm that his son is lying in



injured condition near the house of Shambhu Mahato. On such information, informant along with other co-villagers went at the place of occurrence and saw his son in critical condition and his son disclosed that this petitioner along with co-accused stabbed him. On the way to hospital, the son of informant died.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case merely on suspicion. Informant is not eye-witness of the occurrence. The falsity of case reveals from perusal of postmortem report which suggests that death of deceased took place in between 12 to 24 hours which is indicative of the fact that the deceased died sometime in between 10.00 am to 10.00 pm on the alleged date of occurrence and it is unbelievable that in such a critical condition how can his son disclosed something to him. Petitioner is in custody since 07.05.2021 having no criminal antecedent. Chargesheet has already been submitted.

Counsel for the informant however, vehemently opposed the prayer for bail and submitted that there is dying declaration of the deceased and there were 14 knife injuries found on the neck, face and head of the deceased.

Considering the nature of accusation and gravity of offence, 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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