

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39014 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- MANJHI District- Saran

SANTOSH YADAV S/o Saguna Yadav R/o village- Salempur, P.S.- Manjhi,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Manjhi P.S. Case No. 08 of 2021, dated 07.01.2021 instituted
for the offences punishable under Sections 302/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 14.02.2021, is a person with clean
antecedent and charge-sheet has been submitted in this case and
based on his pleadings made in para 6 and 7 of the bail
application specifically submits that petitioner (Santosh Yadav)
is not named in the FIR and Santosh Yadav, who is named in the
FIR, is a different person from the present petitioner.



Learned counsel for the petitioner submits that the informant alleges that his son Jagarnath Yadav was driving tractor of Bigan Yadav @ Tarkeshwar Yadav, who is brother of Santosh Yadav (not the present petitioner). Further the son of the informant used to talk with niece of Kanhaiya Yadav who is brother of the petitioner. Further on 01.01.2020, the son of the informant proceeded for home from Doriganj on a truck of one Anil Gupta and on 4-5th January, 2020, his son was found lying near the house of Prabhu Nonia in an injured condition and while the informant was taking him to the hospital he died on the way and based on suspicion alleges that the reason for the occurrence is the aforesaid enmity i.e. the deceased was talking with the niece of Kanhaiya Yadav.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and during the course of investigation, it transpired that the deceased was talking to one Sita Devi, wife of Kanhaiya Yadav based on the investigation of the CDR, thereafter Sita Devi was apprehended and she confessed that the deceased was in touch with her and had fallen in love with her and on the date of occurrence, he had come to her house and asked her to elope and when she refused he consumed poison. As such, she got frighten and took him to the



field and left him there and thereafter informed her husband Kanhaiya Yadav about the incident which had taken place and when Kanhaiya Yadav reached at the place of occurrence, he saw that the son of the informant had died. Accordingly, it is alleged that Sita Devi and Kanhaiya Yadav were got frightened and with the help of this petitioner (Santosh Yadav) who is Mama of Sita Devi helped them in concealing the body of the deceased. Learned counsel further submits that from perusal of the injury report also it would manifest that some abrasion on left cheek was found and the viscera was preserved and it was sent to FSL for examination. Learned counsel further submits that as far as this petitioner is concerned the only allegation against him is that he helped Sita Devi and Kanhaiya Yadav in concealing the body of the deceased.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 14.02.2021, charge-sheet has been submitted in this case, the petitioner is a person with clean antecedent and is not named in the FIR let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Saran at Chapra in connection
with Manjhi P.S. Case No. 08 of 2021.

(Satyavrat Verma, J)

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