

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44275 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- SISWAN District- Siwan

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AMIT YADAV Son of Subedar Yadav Resident of Village - Kishunbari, P.S.-
Siswan, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate.
Mr. Ajay Kumar Tiwary, Advocate.
For the Opposite Party/s : Mr. Ramchandra Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 30-03-2022 Heard the parties.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Siswan P.S. Case No. 59 of 2021 for the offence punishable
under Section 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution story, in brief, is that while the
informant was in Delhi in connection with his treatment, he was
informed by his wife Sabita Devi that her father-in-law (father



of the petitioner) has been murdered in the night of 22.02.2021. The informant after receiving the information returned back to his home and on 25.02.2021, he lodged an F.I.R against unknown persons.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no eye witness of the occurrence. Petitioner has got clean antecedent and is in custody since 25.02.2021.

Learned APP for the State has opposed the prayer for grant of bail to the petitioner and submits that in course of investigation it has come in Para-26 of the case diary that both the informant as well as the petitioner Amit Yadav were on inimical terms.

Sufficient material has surfaced in course of investigation against the petitioner's involvement in the alleged murder of the father of the informant. No doubt, F.I.R. has been lodged after much delay i.e. on 25.02.2021 and the alleged murder of the father of the informant has taken place on 22.02.2021. Informant has given reasons for lodging the F.I.R. after much delay, as he was not present at the time of the alleged incidence. There is no eye witness to the alleged murder even



the wife of the informant who had informed the informant about the murder of her father-in-law has not taken any immediate steps to inform the police while the police station is just 10 Kms away from the place of occurrence.

Taking into consideration serious nature of offence against the petitioner who was on inimical terms with the informant that led to the commission of murder of the father of the petitioner, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, the present bail application is rejected.

The trial court is directed to conclude the trial expeditiously well within a period of six months.

If no substantial progress takes place in the trial within the aforesaid period, the petitioner, if so advised, may renew his prayer for bail.

(Purnendu Singh, J)

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