

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64473 of 2021**

Arising Out of PS. Case No.-143 Year-2021 Thana- KUMAR KHAND District- Madhepura

SANTOSH YADAV @ WOKIL YADAV SON OF MOHAN YADAV
RESIDENT OF VILLAGE- SIKIYAHA BARAHKURWA, POLICE
STATION- KUMARKHAND, BHATNI O.P., DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 26-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.08.2021, charge-sheet has been
submitted in the case and has antecedent of one case.

Learned counsel for the petitioner submits that the
informant alleges that on orders of Radheshwar Yadav, the
petitioner fired at uncle of the informant (Chandar Yadav,
deceased), thereafter Abhimanyu and Radheshwar also fired at
Chandar and Bhupi Yadav put a towel around the neck of



Chandar, further the father of the informant raised alarm as he was also resting with the deceased in his maize crop, on which the informant came and saw the accused persons fleeing, further reason for the occurrence is land dispute as daughter of the deceased had filed four cases against the deceased.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, he is the son-in-law of the deceased, it is submitted that the deceased was married to Bhua Devi and from the wedlock he had two daughters, namely, Meena and Reena and petitioner is the husband of Meena Devi. It is further submitted that it absolutely does not stand to reason that as to why the daughter, along with her husband and other relatives, would come at the place of occurrence and kill the deceased in presence of his own brother and get identified easily. It is further submitted that the informant is not an eyewitness to the occurrence, nor in the F.I.R. he alleges that what was his source of information with regard to the occurrence. Learned counsel further submits that that since the brother of the deceased was also with him as such, he was the best person to institute the FIR, but for reasons best known he has not instituted the present FIR.

Learned counsel further submits that the informant in the FIR alleges that three accused, including the petitioner, had



shot the deceased but in the postmortem report, only two wounds of entry and exit were found. It is submitted that admittedly, when the daughter of the deceased, Meena Devi had already filed civil cases which is pending, where was the occasion for her, her husband along with her mother and relatives to kill the deceased. Learned counsel further submits that the statement of the father of the informant was also recorded and he has stated that it was this petitioner who shot the deceased. It is further submitted that under a well hatched conspiracy, the entire family members of the deceased have been implicated only with a sole reason to grab his property as the daughter of the deceased has filed civil cases and is contesting the same. It is further submitted that since cases were pending between the daughter and the father, there appears absolutely no occasion for this petitioner to kill his own father-in-law.

Learned A.P.P. for the State and the learned counsel for the informant vehemently oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that there is a direct allegation against this petitioner of firing at the deceased and killing him along with two other accused persons. Learned counsel for the informant is not able to meet the submissions of the learned counsel for the petitioner that informant is not an eyewitness to the occurrence, as to why there is a discrepancy in



the allegation as alleged by the informant and the statement of his father recorded at paragraph '6' of the case diary, further the learned counsel for the informant is also not able to meet the submission of the learned counsel for the petitioner that when the daughter has already filed civil cases and is contesting, where was the occasion for her to come along with the petitioner, her mother and other relatives and to kill her own father in presence of her own uncle and thus create an evidence against herself and other accused persons.

Considering the fact that the petitioner is in custody since 08.08.2021, charge-sheet has been submitted in the case and taking into consideration the submissions advanced by the learned counsel for the petitioner, 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 the learned court below where the case is pending/successor court in connection with Kumarkhand (Bhatni O.P.) P.S. Case No. 143 of 2021.

(Satyavrat Verma, J)

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