

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71515 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- CHANDI District- Bhojpur

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BANTI YADAV @ SANTOSH KUMAR SON OF DOMAN YADAV
RESIDENT OF VILLAGE- RAM NAGAR KUNJAL TOLA P.S- CHANDI,
DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP
For the Informant : Mr.Samarjeet Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant 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.

Learned counsel for the petitioner submits that the
petitioner is in custody since 12.08.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant alleges that the petitioner along with
Shivcharan and Arun came to the house of the informant and
asked him to send his nephew for collecting the due amount as
Shivcharan had taken clothes on credit from the shop of the
informant for which his nephew had made a demand on which



he was threatened by Shivcharan, further alleges that he sent his nephew for collecting the due amount of Rs. 10,000/- and when his nephew didn't return, he went to the house of Shivcharan and was informed that he had gone to his *khalihan*, thereafter alleges that he reached the *khalihan* where the accused persons, including the petitioner, were present and they disclosed that his nephew was killed, thereafter dead body of his nephew was recovered from his field.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is further submitted that it absolutely does not stand to reason that when the informant in the F.I.R. alleges that his nephew on asking for the due amount was threatened by Shivcharan then why he sent his nephew for collecting the due amount. Learned counsel further submits that the informant is not an eyewitness to the occurrence and it is submitted that it absolutely defies all logic, wisdom and reasonable human behaviour that a person who has committed the occurrence would himself acknowledge in presence of the informant and thus create an evidence against himself, that in itself demonstrates that the informant has instituted the present F.I.R. only with a view to implicate the accused persons including the petitioner as he was having



dispute with regard to money from before. It is further submitted that since Shivcharan had already threatened the informant's nephew of consequences, still the informant allowed him to go to his place for collecting due that in itself demonstrates that the informant did not had any apprehension that any untoward incident may take place. It is also submitted that recovery of the dead body was not at the instance of the accused persons and finally it is submitted that when the police came, the dead body was found in front of the house of the informant as such the allegation that the dead body was found in the petitioner's field stands belied.

Learned A.P.P. for the State and the learned counsel for the informant vehemently oppose the prayer for bail of the petitioner and the learned counsel for the informant submits that the accused persons including the informant themselves had disclosed to the informant that his nephew has been killed and accordingly, the dead body was later recovered from the field of Hakim Singh but is not able to meet the submission of the learned counsel for the petitioner that the dead body though alleged to have been recovered from the field but it was found near the house of the informant, further learned counsel for the informant is also not able to counter the submission of the



learned counsel for the petitioner that the informant is not an eyewitness to the occurrence.

Considering the fact that the petitioner is in custody since 12.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made 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 Chandi P.S. Case No. 71 of 2021.

(Satyavrat Verma, J)

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