

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57352 of 2023

Arising Out of PS. Case No.-394 Year-2018 Thana- BANKA District- Banka

Rajesh Kumar @ Rajesh Yadav @ Rajesh Kr. Yadav, Son of Rajendra Yadav,
Resident of village- Shasan (Dudhari) PS & District- Banka (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bakshi S.R.P. Sinha, Sr. Advocate Mr. Sanjay Kumar Jha, Advocate Ms. Laxmi Kumari, Advocate
For the Opposite Party/s :		Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 08-11-2023 1. Heard learned Senior counsel for the petitioner and learned APP for the State.
2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no. 460 of 2022 (arising out of Banka P.S. Case no. 394 of 2018) registered under sections 302 and 328 of Indian Penal Code.
3. As per the prosecution case, the informant states that while she was going with her son, the petitioner made her son to swallow poisonous tablets and escaped. The informant's son died soon thereafter in course of treatment.
4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case. The informant happens to be the first wife of the petitioner



from which the deceased son was born. Subsequently, the informant married one another lady. The petitioner is in no manner involved in the death of his son as alleged in the FIR. In the other cases lodged by the informant, the petitioner has been enlarged on bail. The petitioner is in custody since 5.3.2021 and undertakes to cooperate in the trial which has already commenced.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, the trial in the learned trial Court having commenced and the contents of the deposition of the prosecution witnesses which has been brought on record as Annexure-2 series to the petition, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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