

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69310 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- CHANDAN District- Banka

Mukesh Kumar Yadav @ Suchit @ Mukesh Kumar S/O Late Chabhu Yadav @ Suchit Mahto R/O Village- Udaypura, P.S.- Rikhiya, Distt- Deoghar (Jharkhand). Permanent Resident Of Village- Bihaye, P.S.-Chandan, Distt-Banka.

... .. Petitioner/s

Versus

The State Of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 325, 307, 302, 201, 120(B)/34 of the Indian Penal Code.

The prosecution case in nutshell is that informant along with deceased, namely, Santosh Kumar went to marriage ceremony of his cousin. Meanwhile, petitioner along with co-accused Sonu Kumar Yadav called them on phone and asked them to come out. It is further alleged that when they went there, the petitioner along with co-accused



persons have stroke rapidly with knife blow over the neck and head of Santosh Kumar due to which he succumbed to injuries. Thereafter, co-accused Sonu Yadav also stroke the knife blow over the informant due to which he also sustained injuries.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. It is also submitted that petitioner was arrested only on the basis of suspicion. There is enmity between co-accused Sonu Kumar Yadav and the informant, not with this petitioner. There is no eye witness of the alleged occurrence except the informant. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, the petitioner is in judicial custody since 14.05.2022.

Learned APP appearing on behalf of the State vehemently opposed the prayer of the petitioner and submitted that petitioner is named in F.I.R. During investigation, informant submitted in his statement, recorded under Section 164 of Cr.P.C., that petitioner along with co-accused Sonu Kumar Yadav assaulted him and



deceased by knife due to this deceased succumbed to injuries. Postmortem report also shows that there is incised wound and doctor has opined the cause of death due to injuries sustained by the deceased. There is specific overt act of allegation levelled against the petitioner and other co-accused person Sonu Kumar Yadav. Informant has also sustained injuries and he is eye witness of the alleged offence.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

Learned trial court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

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