

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30884 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- PANDAUL District- Madhubani

Santosh Yadav, aged about 21 years, Male Son of Subodh Yadav, Resident of Village- Kotawali Chouk Bhauara, P.S.- Town, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Pandaul P.S. Case No. 245 of 2023 instituted for the offences punishable under Sections 341, 323, 307, 302, 504/34 of the Indian Penal Code.

3. As per the prosecution case, the informant was watching a cultural programme. At that time, Ashutosh Kumar and Santosh Yadav started pushing and shoving him. On protest, Santosh Yadav caught hold of the informant and Ashutosh Kumar stabbed 3-4 times with knife on his abdomen due to which, internal parts of stomach came out.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence and has falsely been implicated in this case only on the basis of local village politics. Petitioner has committed no offence as alleged in the FIR and there is no any overt act against the petitioner. There is no any eye witness of the place of occurrence. The occurrence is said to be happened at 1.00 AM on 19/20.11.2023 but the FIR has been lodged on 24.11.2023 at 6.30 P.M. after four days of the occurrence and there is no any plausible explanation in this regard. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 26.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order dated 12.03.2024 passed by the learned Sessions Judge, Madhubani, it appears that the role ascribed to the present petitioner Santosh Yadav is that he caught hold of the deceased so as to facilitate giving blows by knife by co-accused Ashutosh Kumar. The witnesses of the case diary have supported the prosecution case. The postmortem report which is extracted at para 66 of the case diary shows that the injuries were caused due to sharp cutting pointed weapon. It also appears that the oral evidence is supported by the medical evidence. After



completion of investigation, chargesheet has been filed under various Sections of the Indian Penal Code is against the petitioner and co-accused. Petitioner is in custody since 26.11.2023.

7. Considering the facts and circumstances of the case, heinous nature of offence committed and also the prosecution witnesses supporting the case, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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