

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.22383 of 2016**

Arising Out of PS.Case No. -181 Year- 2015 Thana -DULHIN BAZAR District- PATNA

1. Radhey Yadav, S/O Late Krishna Yadav, Resident of- Village- Dumri,  
P.S.- Dulhin Bazar, District- Patna. .... Petitioner/s

Versus

1. The State of Bihar .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uday Shankar Choudhary

For the Opposite Party/s : Mr. Veena Kumari Jaiswal (App)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR  
JHA**

**ORAL ORDER**

4 25-07-2016

Heard both sides.

The petitioner apprehends his arrest in Dulhin Bazar  
P.S. case No. 181 of 2015 under Section 302, 201/34 of the Indian  
Penal Code.

The informant named five persons, namely,  
Ramdhyan Bind, Santosh Bind, Tapeswar Paswan, Sonelal  
Paswan, Vidya Nand Bihari and five unknown persons and alleged  
that they killed his brother and threw his dead body in Punpun  
river.

The learned counsel for the petitioner submits that  
petitioner is not named in the FIR and there is no eye witness of  
the occurrence. One Chhotu Kumar in paragraph 34 of the case  
diary disclosed that Mogul Yadav was putting down a person by  
the side of river and when he tried to intervene Mogul Yadav  
asked him to leave the place. Two others persons were also with  
Mogul Yadav. The petitioner is also villager of Mogul Yadav and

Chhotu Kumar but Chhotu Kumar did not name the petitioner. It is submitted that Mogul Yadav was arrested and he confessed his guilt and disclosed the name of petitioner also save and except confessional statement of co-accused no material has been collected against the petitioner.

It appears that dead body was recovered from Punpun river and Mogul Yadav was apprehended and he disclosed before the police that petitioner along with other accused persons assaulted Ranjit Yadav in his wine shop and threw the dead body with the help of Krishna Yadav, Sukan Yadav and others, including the petitioner.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e. Sri Shyamal Kumar, learned Judicial Magistrate, 1<sup>st</sup> class, Danapur in Dulhin Bazar P.S. case No. 181 of 2015, and prays for regular bail the learned court below shall consider the prayer for regular bail of the petitioner on its own merit.

**(Prabhat Kumar Jha, J)**

BKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|