

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42008 of 2016

Arising Out of PS.Case No. -152 Year- 2015 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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Rajnandan Yadav, Son of Triweni Yadav, Resident of Village- Imadpur,
P.S.- Khudaganj, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2016 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel appearing for the informant.

Petitioner is languishing in custody since
30.10.2015 in connection with S.T. No. 132/16, arising out of
Khudaganj P.S. Case No. 152/15 for offences punishable under
Sections 302, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the brother of
the deceased, is that his sister has been done to death and her body
is traceless.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has been falsely implicated in
the aforesaid case due to family dispute. He submits that he has a
private job in Delhi and was not present on the day of occurrence

as his deceased wife used to stay with his family members. He further submits that the deceased died due to illness.

Learned counsel for the informant submits that the complicity of the petitioner is writ large, as the sister of the informant was done to death and buried in her matrimonial house and when foul smell started coming out from the body, they disposed of her body at another place. It is submitted that own uncle of the petitioner Banbari Yadav and independent witness Lalti Devi have also supported the prosecution case and that the petitioner being the husband was mainly responsible for killing and disposing off the dead body of his wife Kavita Devi.

However, learned counsel for the petitioner submits that the mother-in-law and father-in-law as well as other members of the family have since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 15520 of 2016 and Cr. Misc. No. 20063 of 2016 on 20.05.2016 and the case of the petitioner is not different from that of other accused persons.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner is the

husband and the own uncle of the petitioner Banbari Yadav as well as the independent witness Lalita Devi have supported the prosecution case, I am not inclined to grant the petitioner privilege of bail at this stage in connection with S.T. No. 132/16, arising out of Khudaganj P.S. Case No. 152/15, pending in the court of learned 1st Additional Sessions Judge, Hilsa, Nalanda.

This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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