

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50020 of 2016

Arising Out of PS.Case No. -105 Year- 2016 Thana -CHAUSA District- MADHEPURA

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1. Shankar Yadav S/o Sri Upendra Yadav, Resident of Village- Jirba
Madheli, Dalligachhi Tola, P.S.- Shankarpur, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 10-02-2017 Heard learned counsel for the petitioner as well as

learned APP for the State.

Because of the fact that victim/deceased was kidnapped

by one Gajendra who kept her for months together and on account
thereof, she was not at all welcomed at her place and further, she
was found in an injured condition at an abandoned place
wherefrom was lifted by the police and during course of her
treatment, she disclosed herself to be the daughter of Nawal
Kishore Yadav whereupon police informed the informant, Nawal
Kishore Yadav who, as is evident filed written report, the basis of
instant prosecution. Subsequently thereof, victim was taken to
DMCH where during course of treatment she died. Postmortem
report suggests presence of ligature mark.

During course of investigation, police collected some of



the crucial evidence whereupon informant along with his brother-in-law have been arrayed as accused and in the aforesaid background, learned counsel for the petitioner has submitted that Nawal Kishore Yadav had already been granted bail under Cr.Misc.No. 54177/2016 vide order dated 21.12.2016, petitioner should also be released on bail whose case, according to the petitioner stands on much better footing than that of Nawal Kishore Yadav.

Learned APP opposed the prayer.

From perusal of paragraph 34 of the case diary, it is evident that call details of SIM belonging to the petitioner along with Nawal Kishore Yadav as well as Gajendra were taken out wherefrom it is apparent that they were in their connectivity since long. In the aforesaid background, when the statement of the mother of victim recorded under paragraph-53 is considered, the authenticity of the call details is found duly corroborated. Furthermore, it is evident that after having Guria, the victim brought by her husband as well as cousin brother (Mamera), Sanjay near the clinic of Dr. Udit Raja, she was sent to the place of Sanjay Yadav in presence of petitioner, Shankar Yadav. Just 4-5 days thereafter, she received information from police official regarding presence of victim in an injured condition who was



undergoing treatment at Sadar Hospital, Madhepura. From her statement, it is also evident that her husband had disclosed that after making payment to Sanjay Yadav, he got his daughter murdered, as Gajendra had kidnapped her. She has further disclosed that her husband, Sanjay Yadav, Shankar Yadav, petitioner were deeply involved.

From the order dated 21.12.2016 passed in Cr.Misc. No. 54177/2016, the aforesaid eventualities have not been perceived and so, the aforesaid order would not bind this Bench. That being so, prayer for bail is rejected.

Petitioner may renew his prayer for bail after examination of mother of the victim.

(Aditya Kumar Trivedi, J)

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