

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29180 of 2018

Arising Out of PS. Case No.-53 Year-2014 Thana- ATHMALGOLA District- Patna

Rabo Yadav @ Rabo Rai S/o Upendra Yadav @ Upendra Rai, R/o Vill.- Puray
Bagh @ Puraibag, Agwanpur, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sri Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 02-08-2018 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner, already in custody, seeks bail in connection with Athmalgola P.S. Case No.53 of 2014, giving rise to Sessions Trial No.729(A) of 2015, registered under Sections 364, 302, 201 and 120(B) of the Indian Penal Code.

Accusation is that while the informant was coming along with his brother, they were intercepted by the accused persons and his brother was kidnapped by them and next day, brother's dead body was found thrown on the railway track and it is alleged that his brother was killed because he had married with the sister of the petitioner.

Learned counsel for the petitioner submits that the fact is that the informant is not the eye witness, as per the FIR itself after kidnapping, the informant did not immediately went to the



police rather went to his relatives place for giving information and on suspicion, every family member of the petitioner including his father and others have been made accused in this case and the father of the petitioner, namely, Upendra Yadav and others have been admitted to bail by co-ordinate Benches of this Court vide orders dated 07.04.2016, 08.08.2016 and 21.06.2017, passed in Cr. Misc. Nos.2626 of 2016, 30644 of 2016 and 19821 of 2017 and seeks bail of the petitioner on the ground of parity and this petitioner has been in custody for more than three months.

However, the learned counsel for the State submits that the case of the petitioner stands on different footing to others as it is the case of the year 2014 and against this petitioner charge-sheet was submitted in the year 2016 as absconder and he was remanded from another case.

Having considered the aforesaid facts and circumstances, in particular, the petitioner was absconding for a long period, therefore, presently the prayer of bail of the petitioner is rejected with a liberty to the petitioner to renew his prayer of bail after six months.

(Arun Kumar, J)

S.KUMAR/-

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