

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24050 of 2018

Arising Out of PS.Case No. -218 Year- 2017 Thana -MANIGACHI District- DARBHANGA

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Arun Yadav, aged about 42 years, Son of Asharifi Yadav, resident of village- Amtahi, P.S.- Manigachhi, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha

For the Opposite Party/s : Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 18-05-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Manigachhi Police Station Case No. 218 of 2017 registered for offence punishable under section 302/34 of the Indian Penal Code.

The informant of this case is father of deceased. It is alleged that on 26.10.2017 at about 7.00 P.M. his son went way for fishing with a net on his bicycle. The informant has further stated that when he went to see Shiv Narayan Mahto on his call, it was disclosed by him that this petitioner took the net and bicycle from his son. Thereafter, the informant saw this petitioner going towards village Amtahi. When the informant asked about his son, the petitioner paid no heed and went away. Thereafter the dead



body of the victim was recovered which was hanging with a rope in a jack fruit tree.

The learned counsel for the petitioner submits that the neither the informant nor any other person is eye-witness to the said occurrence. The petitioner has been implicated merely on suspicion. The death of deceased is not homicidal rather it is suicidal. The deceased had quarreled with his father on the day of occurrence and thereafter he hanged himself with a tree. The petitioner has been implicated on account of local politics. The petitioner is in custody since 25.01.2018 having no antecedent and so he deserves to be enlarged on bail.

On contra, the learned Additional Public Prosecutor as well as the learned counsel for the informant vehemently opposed the submission.

The petitioner is sole accused with specific allegation of committing murder of the deceased. In course of investigation, the witnesses have stated that this petitioner had caught the son of informant while he was fishing. The petitioner snatched his net and bicycle. The Police have recovered the bicycle of the deceased from the house of the petitioner. In post mortem report, the doctor has reported about the cause of death due to asphyxia. The doctor has further reported that both hands of the deceased were tied with



a ligature mark measuring 3" x 1/4" inch over dorsal surface of lower part of left forearm and measuring 2 1/2" x 1/4" over ventral surface of lower part of right forearm with a knot in between two forearm underlying soft tissues were bruised. Besides the said injuries one non continuous oblique ligature mark was also found on the upper part of the neck in 12" x 1/2" dimension above the thyroid region. The **petitioner** was last seen person in the company of deceased as it appears from para 12, 31, 69 and 103 of the case diary.

Considering the above materials in case diary against the petitioner, this Court is not inclined to grant bail to him and his prayer for bail is accordingly dismissed.

(Sanjay Kumar, J)

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