

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5582 of 2019**

Arising Out of PS. Case No.-289 Year-2018 Thana- BARARI District- Katihar

Rupesh Yadav, Son of Pitambaer Yadav Vill.- Jarlahi Bandh, P.S.- Barari,
District – Katihar.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Mr.Arun Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

6 07-05-2019 This application, for grant of anticipatory bail, arises
out of Barari P.S. Case No. 289/18, disclosing offences under
Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

Allegation as per F.I.R. is that the deceased was taken
by the petitioner and on next day, his dead body was recovered.

Submission of learned counsel for the petitioner is
that save and except suspicion that the petitioner has taken the
deceased with himself, there is nothing against the petitioner
and he has falsely been made accused in the case.

Learned counsel for the State opposed the prayer for
bail and submitted that two to three witnesses have stated that
the deceased was seen with the petitioner and later on his dead
body was found and there is strong suspicion against the
petitioner.



Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the basis of materials available on record, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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