

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3104 of 2020

Arising Out of PS. Case No.-36 Year-2011 Thana- NARDIGANJ District- Nawada

RAJU YADAV @ RAJESH YADAV S/o Chanrik Yadav @ Chandrika Prasad
Yadav Resident of Village- Dharhara, P.S.- Fatehpur, Distt- Gaya, At present
Mohalla- Shastri Nagar, P.S.- Rampur, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh
For the Opposite Party/s : Mr. B. N. Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 03-09-2020

Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Nardiganj P.S. case No. 36/2011 registered u/s 302, 201 of the IPC.

The informant is Chowkidar. After recovery of a dead body the informant lodged the case against unknown for killing and concealing a dead body. During the course of investigation, the dead body was identified as of Lalu Yadav @ Dhaneshwar Yadav. The widow of the deceased disclosed that her husband was a driver. On 06.05.2011, Raju Yadav, the petitioner, came and took her husband to drive the vehicle of Mukesh Yadav. She further disclosed that she had talk with her husband at 8 in the night but thereafter mobile of her husband was found switched off.

The learned counsel for the petitioner submits that there is absolutely no evidence against the petitioner. Save and except this fact that petitioner took the deceased, Lalu Yadav, for his engagement as driver on the vehicle of Mukesh Yadav. In course of investigation it has come that deceased took a Barat party to Nardiganj but he did not return. The petitioner was not found seen with the deceased while he was driving the vehicle of Mukesh Yadav. Mukesh Yadav, who is owner of the vehicle, has already been granted bail vide order passed



in Cr. Misc. No. 4614/2020. The case of the petitioner stands on better footing as the owner of the vehicle sent the deceased to carry Barat to Nardiganj and it was he who had to disclose the facts as to whereabouts of the deceased but he has already been enlarged on bail. The petitioner is in custody since 15.11.2019.

The learned APP, however, opposed the prayer for bail and submitted that it was the petitioner who took the deceased for his engagement as driver on the vehicle of Mukesh Yadav but thereafter the deceased became traceless.

From perusal of the records, it appears that, of course, wife of the deceased alleged that it was the petitioner who took her husband to drive the vehicle of Mukesh Yadav but during the course of investigation it has come in the statement of the widow of the deceased and others that deceased went to Nardiganj on the vehicle of Mukesh Yadav with Barat party but he did not return from Nardiganj. His dead body was found later on. Mukesh Yadav has already been enlarged on bail.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nardiganj P.S. case No. 36/2011.

(Prabhat Kumar Jha, J)

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