

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9547 of 2020

Arising Out of PS. Case No.-135 Year-2019 Thana- MURLIGANJ District- Madhepura

1. Binod Yadav @ Vinod Yadav @ Vinod Kumar, aged about 37 years, Male, Son of Late Deep Narayan Yadav @ Late Deepnarayan Yadav, Resident of Village - Bhelahi, P.S.- Murliganj, Dist.- Madhepura.
2. Sadanand Yadav @ Sadanand Prasad Yadav, aged about 45 years, Male, Son of Late Deep Narayan Yadav @ Late Deepnarayan Yadav, Resident of Village - Bhelahi, P.S.- Murliganj, Dist.- Madhepura.
3. Manikchand Yadav, aged about 30 years, Male, Son of Sikendra Yadav @ Sikendar Yadav, Resident of Village - Bhelahi, P.S.- Murliganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Anshul, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-06-2020 Heard Mr. Anshul, the learned counsel appearing on behalf of the petitioners and Akhileshwar Dayal, the learned Additional P.P. through video conferencing.

The petitioners seek bail in Murliganj P.S. Case No.135 of 2019, corresponding to CIS No.701 of 2019, registered under Sections 364, 302, 201 and 34 of the Indian Penal Code.

The informant disclosed that his uncle, Nirmal Kumar Yadav and two other persons had gone to see Baba Vishu Raut fair at 8.00 P.M. While the informant and others were returning, Amit Yadav and Pinku Yadav started abusing. When the uncle of the informant went to pacify the dispute, all the accused persons



kidnapped the uncle of the informant on a Bolero Jeep and took him outside the village. The informant informed his family members. During the course of search in the next morning the dead body of his uncle was found by the side of the river.

Mr. Anshul, the learned counsel for the petitioners submits that the petitioners are of course named in the FIR but altogether 11 persons are named in the FIR. The informant made same and similar allegations against all the accused persons including the three petitioners. A coordinate Bench of this Court enlarged Lalo Yadav @ Lalu Kumar, Jawahar Yadav @ Jawahar Prasad Yadav and Ranjan Yadav on bail vide order passed in Cr. Misc. No.66108 of 2019 and Cr. Misc. No.3626 of 2020 respectively. The case of the petitioners stands on the same footing. It is further submitted that there was no reason and motive to kidnap the victim. Had the petitioners got any intention to kill the deceased, they would have killed the deceased on the spot. The informant and other persons are not the eye witnesses of the occurrence, but it appears from perusal of the FIR as well as the case diary that the informant and other witnesses have stated that the petitioners and others kidnapped the uncle of the informant on a Bolero Jeep and took him outside of the village. On the next morning, the dead body of the uncle of the informant was found. The post-mortem was held. The doctor found that the



deceased got many ante-mortem injuries on his body and he was killed before throwing his body in the river. On consideration of the facts, I am not persuaded to grant bail to the petitioners on the point that the case of the petitioners stands on the same footing as there is specific allegation against the petitioners that they kidnapped the victim in the night and thereafter the dead body of the victim was found floating in the river in the next morning.

Taking into consideration the facts, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Madhepura is directed to ensure the attendance of the prosecution witnesses in the trial court so that the trial must be concluded within nine months.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

