

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10137 of 2020**

Arising Out of PS. Case No.-237 Year-2019 Thana- KISHUNPUR District- Supaul

NAVIN KUMAR YADAV @ FULO YADAV, Son of Ramcharitra Yadav,
Resident of Village- Barhatha, P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Kumar, Adv.

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 25-06-2020 This case has been heard through Video
Conferencing.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 364/34 and
302 of the Indian Penal Code.

Allegation against the petitioner alongwith other
accused persons is of killing the victim and the dead body
thrown.

Learned counsel for the petitioner submits that the
petitioner is quite innocent and has falsely been implicated in
this case due to local dirty politics. As per FIR, alleged
occurrence has been taken place at 7.30 PM and the accused



persons have taken away the son of the informant in Safari vehicle but the informant has not informed the Police Station at the night of the occurrence. The informant was given to the Police Station after lapse of 12 hours whereas the Police Station is located on 12 Kms from the place of occurrence. Thus, there is delay in instituting the instant case. According to FIR, the son of the informant was taken by the accused persons from his house but the informant and his son were not raising hulla which falsify the prosecution story. The dead body of the informant's son was recovered from the area of Pipra Police Station after instituting the instant case. The petitioner has no criminal antecedent.

Learned counsel for the petitioner further submits that the deceased Bishnudeo Yadav was also an accused in Pipra P.S. Case No. 178 of 2015 in which there is allegation of robbery of motorcycle and firing.

Perused the impugned order and case diary, the witnesses have supported the prosecution case in which it is clear that the petitioner has taken away the deceased by the car and the petitioner was present in the car.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer



for bail of the petitioner is rejected in connection with Kishanpur P.S. Case No. 237 of 2019 from the Court of learned Chief Judicial Magistrate, Supaul.

Accordingly, the application is dismissed.

However, petitioner is directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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