

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26528 of 2020**

Arising Out of PS. Case No.-14 Year-2019 Thana- SARMERA District- Nalanda

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Ram @ Rama Yadav , male , aged about 48 yrs., S/O Late Jaggu Yadav, R/O  
Village - Sondiha, P.S. - Sarmera, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Md. Ataur Rahman

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

4      03-12-2020                      Heard Mr. Raj Kishore Prasad, learned counsel for the  
  
petitioner and Mr. Md. Ataur Rahman, learned counsel for the  
  
State through video conferencing.

Petitioner seeks regular bail in connection with  
Sarmera P.S. Case No. 14 of 2019 (GR No. 470 of 2019)  
registered for the offence under Sections 364 / 34 of the I.P.C.

The allegation as per the First Information Report is  
that the brother of the informant was kidnapped by the petitioner  
and other accused persons and his dead body was found  
subsequently.

Learned counsel for the petitioner submits that  
petitioner has not committed any offence in the manner alleged



and there is no eye witness of the murder of the deceased and the F.I.R. has been lodged on the basis of information received by the informant from the wife of the deceased and the informant is also not an eye witness. Learned counsel further submits that no motive has been assigned in the First Information Report for the present occurrence.

On the other hand, learned counsel for the State referring to the First Information Report and the case diary submits that specific allegation has been levelled against the petitioner and others and the deceased was found dead due to injuries caused by hard and blunt substance on his head and the dead body was found in close proximity from the date of his kidnapping inasmuch as the brother of the informant was kidnapped on 28.01.2019 and post-mortem was held on 29.01.2019.

Having regard to the submissions made by the parties and taking into consideration the materials available on record , the fact that petitioner is specifically named in the F.I.R. and he kidnapped the deceased along with others and the dead body was found immediately thereafter on the next day, I am not inclined to grant regular bail to the petitioner.

Accordingly, the same is rejected.



However, the petitioner may renew his prayer for regular bail after one year from today, if the trial does not show any progress.

**(Anil Kumar Sinha, J)**

praful/-

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