

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36157 of 2021

Arising Out of PS. Case No.-210 Year-2018 Thana- PANDAU District- Madhubani

NIRAJ KUMAR YADAV Son of Late Fuldeo Yadav @ Phul Dev Prasad
Yadav Resident of Village- Maghaul, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 29-09-2021 Heard.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Sessions Trial No. 386 of 2019 arising out of Pandaul P.S. Case No. 210 of 2018 for the offence punishable under sections 302 and 304 of the Indian Penal Code in as much as the prayer of the petitioner for grant of bail has been rejected earlier vide order dated 20.03.2020 passed in Cr. Misc. No. 1954 of 2020.

The petitioner is alleged to have strangled the victim boy and knocked him on the ground.

The Ld. Senior counsel for the petitioner, Shri Ramakant Sharma, assisted by Shri L.K. Sharma, Advocate, has submitted that the petitioner is languishing in custody since



25.11.2018 and on the spur of the moment the incident had taken place and moreover the petitioner is a young boy, hence he be granted the privilege of bail.

Per contra, the learned APP for the State, Shri Nagendra Prasad, has vehemently opposed the prayer for bail and has referred to the postmortem report of the victim boy which would show the manner of his gruesome murder at the hands of the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior counsel for the petitioner as also the learned A.P.P. for the State and further going through the materials available in the case diary, this Court finds that a prima facie case is definitely made out against the petitioner, hence this Court is of the view that since the petitioner is alleged to have committed a gruesome murder, there is no occasion to reconsider the case of the petitioner for grant of bail, hence, the prayer of the petitioner for grant of bail is rejected.

(Mohit Kumar Shah, J)

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