

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48545 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- JOGBANI District- Araria

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Sudarshan Yadav S/O Late Bindeshwar Yadav R/O Village- Mantuniya, P.S.-
Baheri, District- Darbhanga, presently resident of Ward No. 11, Jogbani, P.S.-
Jogbani, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Advocate and
Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. UN Pandit, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-01-2022 Heard learned counsel for the petitioner, the State
and perused the case diary.

The petitioner seeks regular bail in registered for the
offences punishable under sections 302/34 of the Indian Penal
Code.

As per the prosecution case, this petitioner and two
other accused persons, all named in the FIR, committed murder
of son of the informant by strangulating his neck with rope and
on the disclosure of the petitioner, nylon rope was recovered
from the place of occurrence.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case on suspicion. Informant is not the eye witness of the



occurrence. It is also the case of the petitioner that at the time of recovery of the dead body from the place of occurrence in the morning, nylon rope was not recovered, rather the same is said to have been recovered at 1.30 pm same day, which appears to be improbable. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 28.4.2021.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner is named in the FIR along with his two associates. Further, as per paragraph 26 of the case diary, during course of investigation on the disclosure of the petitioner, 5 feet nylon rope has been recovered from the place of occurrence, suspected to be used in commission of murder. Besides this, other witnesses have also supported the prosecution case.

Considering the nature of accusation and the gravity of the offence, at this stage prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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