

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52321 of 2021

Arising Out of PS. Case No.-64 Year-2021 Thana- MAHARAJGANJ District- Siwan

SURESH YADAV S/o Sri Shyamdeo Yadav R/o Village- Lerua, P.S.-
Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anil Kumar Mishra
For the Opposite Party/s :	Mr. Brajendra Nath Pandey
For the Informant	Mr. Ravindra Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-05-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Maharajganj P.S. Case no. 64 of 2021 instituted for the offence punishable under Sections 363 and 365 of the Indian penal Code.

Prosecution case relates to abduction and killing of minor boy, aged 10 years, of the informant from the front of his house at evening of 4.3.2021.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case due to previous enmity. FIR has been lodged against unknown. Save and except suspicion, there is no material against this petitioner to show his involvement in the aforesaid crime. During investigation, co-accused Krishna Yadav has disclosed the name of



the petitioner, which has no evidentiary value in the eye of law. Similarly situated co-accused Rajesh Prasad has already been granted bail by a different co-ordinate Bench of this Court vide order dated 10.5.2022 passed in Cr. Misc. No. 64427 of 2021.

Learned APP appearing for the State has opposed the prayer of bail and submitted that in paragraph nos. 6, 7, 8 and 37 of the case diary, several prosecution witnesses have stated about involvement of the petitioner in the alleged crime. He has further submitted that it is not a fit case to grant anticipatory bail to the petitioner.

Having heard learned counsel for the parties and taking into consideration that several witnesses in case diary have taken the name of the petitioner in the alleged crime, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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