

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15774 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- NAYA RAM NAGAR District- Munger

PRABHAKAR YADAV SON OF DHANESHWAR YADAV R/O
VILLAGE/MUHALLA- NAULAKHA, P.S.- NAYA RAM NAGAR,
DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-07-2023 By order dated 23.6.2023, petitioner was granted provisional bail to appear in last rites of his father and he was directed to produce surrender certificate on next date of hearing.

From perusal of the office notes, it appears that surrender certificate has not been filed by the learned counsel for the petitioner as yet.

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

The petitioner has prayed for bail in connection with Naya Ram Nagar P.S. Case No. 183 of 2022 registered for the offence punishable under sections 302, 120(B), 201,34 of the Indian Penal Code.

As per allegation in the FIR, on 28.09.2022 petitioner



along with co-accused Sudhakar Yadav on a motorcycle came to the house of the informant and took her husband on the same motorcycle but till late night, he did not return. A search was made by the informant and her family members and during search, she found the dead body of her husband near Naulakha Bahiyar. It is further alleged that motive behind of the occurrence is previous enmity. Both accused persons wanted to transfer a vehicle bearing Reg. No. BR08N-1836 which was in the name of the deceased.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to previous enmity. No one is the eye-witness of the alleged occurrence. Save and except suspicion, nothing has come against the petitioner to show his complicity in the present case during investigation. Petitioner is languishing in judicial custody since 9.10.2022.

The application for bail is opposed by learned APP for the State and submitted that the petitioner is named in the FIR. Deceased was lastly seen with the petitioner while he was taking him away by motorcycle with one other co-accused. During investigation, petitioner has confessed his guilt in his self confessional statement in which he has disclosed that he had



murdered the informant’s husband by pressing his neck. Post mortem report corroborates the prosecution story. Doctor opined cause of death due to asphyxia. During investigation, several witnesses in para 28, 29 and 30 of the case diary have supported the prosecution story.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, I am not inclined to grant regular bail to the petitioner. Provisional Bail granted to the petitioner is hereby cancelled.

The S.P., Munger is directed to ensure the immediate arrest of the petitioner in the present case.

(Sunil Kumar Panwar, J)

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