

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22024 of 2022

Arising Out of PS. Case No.-36 Year-2020 Thana- NAGARNAUSA District- Nalanda

NITYA YADAV @ NITI YADAV S/o Late Upendra Yadav @ Late Karu
Yadav R/o village- Paharpur, P.S.- Bena (Chandi), District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman

For the Opposite Party/s : Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 18-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 302 of the Indian Penal Code.

As per the prosecution case, a telephone call came on the informant's son's mobile no. 9262326825. Then her son went away without giving any information and did not return to his house. Then his wife called on his mobile but the mobile phone was found switched off. The next day, the informant got



the information from S.H.O. that one person was found dead. Then informant's family members went there and found dead body was of their son Rajesh Kumar.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. The petitioner is wife of the deceased. The petitioner is not named in the F.I.R. . The name of the petitioner has sprung up during the confessional statement of co-accused Rahul Kumar.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the co-accused Rahul Kumar in his confessional statement has stated the *modus operandi* as to how the occurrence took place with the association of the petitioner and co-accused person. It is further stated that there was a love affair between the wife of the deceased and the petitioner Nitya Yadav. The wife of the deceased has stated in para 99 of the case diary that the petitioner and the co-accused person used to come to the house of the informant and also used to talk on mobile which was disliked by the deceased. She has further stated that the petitioner and co-accused persons shot her husband dead which



gets support from other witness namely Champa Devi.

Considering the aforesaid facts and circumstances and the heinous nature of allegation against the petitioner as well as the materials available on record against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below will consider the prayer of the bail of the petitioner without being prejudice by this order.

(Chandra Prakash Singh, J)

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