

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31898 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- BANMANKHI District- Purnia

MANOJ YADAV @ MANOJ KUMAR @ MANOJ KUMAR YADAV S/o
Late Durga Yadav Resident of Village- Sarswati Nagar, P.S.- Sarsi, District-
Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Dr. Bidhu Ranjan, Advocate Mr. Kumar Rajdeep, Advocate
For the State	:	Mr. Nitya Nand Tiwary, App
For the informant	:	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 17-03-2023 Heard learned Sr. counsel for the petitioner, the

learned APP for the State as well as learned counsel for the

informant.

Petitioner seeks regular bail in connection with
Banmankhi P.S. Case No. 128 of 2021 registered for the
offence(s) punishable under Sections 363, 302, 201/34 of the
Indian Penal Code.

As per the prosecution, the informant's husband was
abducted by this petitioner and later on victim was murdered.

The main submissions advanced by the learned Sr.
counsel for the petitioner are that in the instant matter there is
no direct evidence to connect the petitioner to the alleged crime



of murder, as per the FIR, the victim left his house along with this petitioner on 16.04.2021 and just two days after, his dead body was recovered regarding which Jadia P.S. Case No.79 of 2021 was lodged and from the FIR, no reason or motive on the part of the petitioner appears to suggest his involvement in the alleged crime and petitioner has been languishing in jail since 07.01.2022. Further submission is that there is no eye witness of the alleged murder and as per the FIR, there was cordial relation between the petitioner and the victim.

Learned counsel for the informant has vehemently opposed the bail prayer of the petitioner and submitted that the victim was lastly seen in the company of the petitioner and after the alleged incident, he remained abscond from his house for many days and as per the investigating officer, the petitioner was involved in the murder of his own wife and daughter and he had intimacy with the wife of the victim and all these circumstances are sufficient to show the petitioner's involvement in the alleged crime.

Heard the parties and perused the FIR and case diary of this case. The FIR goes to show that victim left his house along with this petitioner on 16.04.2021 and just two days after, his dead body was recovered and accordingly the victim was



lastly seen in the company of the petitioner and after the victim left his house, the petitioner remained abscond from his house for some days and during investigation, it came into light that the petitioner had some intimacy with the wife of the victim and these circumstances go against the petitioner. Considering all these facts, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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