

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40402 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- ALIPUR District- Gaya

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TUNTUN YADAV S/O VIJAY YADAV @ RAMVIJAY YADAV R/O
VILLAGE- KUSETA, PS. ALIPUR IN THE DIST. OF GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Alipur
P.S. Case No. 26 of 2021 registered for the offence under
Sections 302 and 201 of the Indian Penal Code.

The petitioner along with his family members are
alleged to have committed murder of sister of the informant
and disappear her dead body.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the allegation, as alleged in the F.I.R., is
false and fabricated and the petitioner has not committed



any offence. He further submits that on bare perusal of the F.I.R., it appears that the niece (Bhagini) of the informant has disclosed that the petitioner and other accused persons have taken away her mother (deceased) and thereupon the informant suspected that his sister might have been killed by the petitioner and the other accused persons and also disposed the dead body of the deceased without informing the police. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of overt act is attributed to the petitioner. He further submits that the informant is not the eye witness to the alleged occurrence and even no one has seen the crime in question the statement of the minor daughter of the deceased cannot be believed. The petitioner is rotting in judicial custody since 25.02.2021.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the daughter of the deceased has categorically stated that the petitioner and the co-accused persons have assaulted her mother taken away from her house and killed her and also disposed of the dead body without informing the police.



Considering the facts and circumstances of the case and the rival submission of the parties and the nature of offence and also the disclosure of the daughter of the deceased, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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