

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57582 of 2023

Arising Out of PS. Case No.-48 Year-2021 Thana- ANDHRAMATH District- Madhubani

SIYA RAM YADAV S/O- LATE SURAJ YADAV @ SURYA NARAYAN
YADAV R/O- VILLAGE- ANDHRAMATH, P.S.- ANDHRAMATH, DIST-
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Andhramath P.S. Case no.48 of 2021 registered under section 302 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant went with the petitioner in the night on his motorcycle and the next morning her dead body was discovered.

4. The earlier application for bail of the petitioner was rejected vide order dated 9.2.2023 (Annexure-1) passed in Cr. Misc. no.32425 of 2022.

5. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case.



Although the three witnesses examined on behalf of the prosecution have been declared hostile, so far as the informant is concerned, in his deposition (Annexure-3) in the learned trial Court he has stated that while he was in the police station, he signed on the statement without reading the same and without knowing the contents thereof, at the instance of his son-in-law. The petitioner is in custody since 30.1.2022 and undertakes to cooperate in the trial.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 8.9.2023 out of the nine chargesheet witnesses, three witnesses have been examined on behalf of the prosecution.

7. On perusal of the deposition of the informant in course of the trial it transpires that he has stated therein that his daughter went with the petitioner who murdered her.

8. In the facts and circumstances of the case and the trial having progressed, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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