

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55247 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- MUFFASIL District- Aurangabad

SUNIL KUMAR YADAV Son of Binod Yadav R/V- Rampur, P.s- Salaiya,
Dist- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Kumar Singh
		Mr.Ajay Kumar Thakur
For the Opposite Party/s	:	Mr.Jitendra Kumar Singh
For the Informant	:	Mr.Avinash Chandra

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 04-04-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Aurangabad Muffasil P.S. Case No. 129 of 2022, registered for the offences punishable under Sections 302, 120(B) of the IPC.

As per the allegation, the informant has mentioned in the F.I.R. that his brother Praveen Kumar (deceased) was working as petroller in Airtel company. In the night of 23.04.2022, after receiving the phone call, the deceased went out from his house in the night, where he met Upendra Yadav. Later on, one Satish Kumar informed that someone has



committed murder of the deceased and his dead body is lying in Yari Badhar. Upendra Yadav, accompanying the deceased appries the informant that a white coloured Scorpio vehicle, bearing Registration No.JH10K 5454, came there. Three persons got down from that Scorpio vehicle and they committed the murder of the deceased.

Learned counsel for the petitioner has submitted that it has been mentioned in the F.I.R. that Upendra Yadav apprised the informant that three persons started assaulting the deceased, but name of those three persons have not been mentioned in the F.I.R., whereas in his statement under Section 161 of the Cr.P.C., Upendra Yadav has named the accused persons, including the petitioner. He has submitted further that the confessional statement of the petitioner has been extracted by the investigating authorities. There is no recovery leading to the confessional statement.

On the other hand, the learned counsel for the informant as well as the learned APP have opposed the prayer for bail and submitted that not only the petitioner has given the vivid description of the entire occurrence in his inculpatory statement, but Rishi Kumar, who is the driver of the Scorpio, has also furnished his confessional statement, whose bail



application has already been rejected by this Court. He has submitted further that there was a business rivalry between the petitioner and the deceased, due to which the petitioner had decided to eliminate the deceased. He has also submitted that CDR report of mobile number of the petitioner as well as deceased were obtained, which shows that soon before the death of the deceased, he called him at the place of occurrence.

Considering the above-mentioned facts and circumstances as well as the material collected during course of investigation, I am not inclined to release the petitioner on bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Kundan/Alok

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