

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70903 of 2022

Arising Out of PS. Case No.-275 Year-2021 Thana- SONO District- Jamui

RAJESH YADAV SON OF GANESH YADAV R/O VILLAGE- BHITHRA,
P.S.- SONO, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Raj, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sono
P.S. Case No. 275 of 2021 dated 08.10.2021 registered for the
offence under Sections 302, 120B and 34 of the Indian Penal
Code.

The informant suspects that his son has been killed
by the petitioner on the ground that his gamcha is alleged to
have been found adjacent to the dead body of his son.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case merely on the basis of suspicion. He
further submits that there is no eye witness to the alleged



occurrence and even nobody has claimed that the petitioner was last seen with the deceased. He further submits that from bare perusal of the F.I.R. it would transpire that the petitioner along with two others were stated to have called the son of the informant for being accompanied with them. He further submits that Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. The petitioner is rotting in judicial custody since 27.06.2022.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and the case diary and submits that the petitioner and his two companions have called the son of the petitioner and committed his murder and it has also surfaced during course of investigation that the petitioner is involved in the alleged occurrence along with other accused persons. He further contends that according to the postmortem report, the deceased sustained external injury which would suggest the deceased is subjected to assault. He further submits that the bail of the other co-accused has been rejected by a co-



ordinate Bench of this Court vide order dated 23.11.2022 passed in Cr. Misc. No. 38770 of 2022 and the case of this petitioner stands of similar footing, therefore, the petitioner may not be enlarged on bail.

Considering the facts and circumstances of the case and the nature of offence, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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