

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5711 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- KHUSRUPUR District- Patna

Suraj Kumar @ Udai Yadav, Son of Arjun Yadav, R/o Village -
Chintamanchak, P.S. - Pandarak, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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

ORAL ORDER

5 03-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act, registered in connection with Khushrupur P.S. Case No.184 of 2023.

3. As per the prosecution case, the informant Arvind Gope is father of the deceased Magan Yadav. He states that an unknown person opened fire at his son and thereafter, local villagers took him to Central Hospital, Gaurichak from where for better treatment, he was referred to P.M.C.H., Patna but he died in Central Hospital, Gaurichak. It has further been alleged that in the night of the alleged date of occurrence, co-accused



persons, namely, Soni Devi (wife of the deceased), Mahesh Yadav and Lallu (both are brother-in-law) and Kusamia Devi (sister-in-law) carrying jewellery, cash and buffalo fled away. Local villagers started to chase but they managed to escape with their belonging leaving behind the buffalo near Khushrupur block. It has also been alleged that co-accused Soni Devi (wife of the deceased) had love and affection with someone else and when Magan Yadav (deceased) raised objection for that, she quarreled with her husband.

4. The learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner is not named in the F.I.R. Nothing was recovered from his possession. Except the confessional statement, there is no evidence or material against the petitioner. Petitioner is a person of clean antecedent and he is in custody since 17.05.2023. It has further been submitted that co-accused Soni Devi has been granted bail by a co-ordinate Bench of this Court.

5. On the other hand, learned APP for the State has opposed the prayer of bail and submitted that co-accused Soni Devi in paragraph 17 of the case diary has admitted that she had love and affection with the petitioner. She has also rendered her



confessional statement confessing her participation in murder of her husband. It has also been submitted that the petitioner himself confessed his guilt and he has stated in his confessional statement that he developed love and affection with co-accused Soni Devi and he committed murder of the deceased by firearm. The firearm was recovered on the basis of disclosure made by the petitioner in his confessional statement.

6. The confessional statement of the petitioner is leading to recovery whereby the murder has been committed. The postmortem report also shows that the deceased was killed by firing shot.

7. Considering the above facts and circumstances of the case as well as the nature of allegation, this Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands rejected.

(Nawneet Kumar Pandey, J)

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