

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33780 of 2024**

Arising Out of PS. Case No.-182 Year-2023 Thana- KHIRI MORE District- Patna

Rakesh Kumar @ Bittu Kumar Son of Late Rajendra Yadav Resident of  
Village - Gausganj, P.S.- Khiri More, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Jha

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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

CAV ORDER

5      23-09-2024                      I have already heard the learned counsel for the  
petitioner as well as the 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,  
201 and 120(B)/34 of the Indian Penal Code, registered in  
connection with Khiri More P.S.Case No. 182 of 2023.

3. As per the prosecution case, the informant Ramesh  
Yadav got an information that the dead-bodies of his brother  
Rejendra Yadav and wife of Rajendra Yadav were lying in  
Madaripur (Baheri). He went there and saw the dead-bodies of  
his brother Rajendra Yadav and his wife Sharda Devi.

4. The petitioner is the son from second wife of the  
deceased Rejendra Yadav. During investigation, it was revealed



that the deceased Rajendra Yadav had solemnized three marriages. The petitioner is the son of the deceased, born out of the wedlock of second wife. The deceased had transferred his property to his third wife Sharda Devi (deceased), to which the petitioner was not willing and for that there was some altercation between the deceased and the petitioner.

5. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. It has also been submitted that, except the confessional statement of the petitioner, there is nothing in the entire case diary and the confessional statement before the police has no evidentiary value.

6. On the other hand, the learned APP has opposed the prayer for bail by submitting that the witnesses examined during the course of investigation have stated that the petitioner along with co-accused Nitish Kumar had committed murder of the deceased Rajendra Yadav and his wife Sharda Devi, because the petitioner was aggrieved as his father had transferred some landed property in favour of his third wife Sharda Devi. It was found in the CDR that the petitioner was in contact with the deceased through his mobile number. On the basis of the CDR, the petitioner was arrested and the said mobile set was



recovered from the possession of the petitioner. Except that, the petitioner had given vivid description of the entire occurrence, confessing his guilt. The learned APP has submitted that it cannot be said that except confessional statement there is nothing against the petitioner. As many as 14 injuries have been found on the dead-body of the deceased Rajendra Yadav, according to post mortem report.

7. Considering the above facts and circumstances of the case, I am not inclined to grant the petitioner the privilege of bail, which is hereby rejected.

**(Nawneet Kumar Pandey, J)**

HR/-

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