

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44038 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- BIHRA District- Saharsa

Rudal Yadav @ Shailendra Kumar @ Shailendra Yadav, Son of Late Upendra Yadav, Resident of Village-Bishanpur, Ward No- 08, P.S- Bihra, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Informant	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 13-09-2024 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.
2. Petitioner seeks regular bail in connection with Bihra P.S. Case No. 207 of 2023 dated 12.11.2023, registered for the offences punishable under Sections 364, 302, 120(B), 201 of the Indian Penal Code.
3. As per the prosecution, the informant alleged that this petitioner along with other co-accused person has killed his son after intoxicating him and also disappeared his dead body.
4. Mr. Pramod Mishra, learned counsel appearing for the petitioner submits that though the petitioner is named in the FIR but the informant only suspected him to be involved in the alleged occurrence and during the investigation, some witnesses



made the allegation that the petitioner, victim and co-accused persons were found in drunken condition and the victim was assaulted by the accused including the petitioner but the said allegation is not specific against the petitioner and any specific role of the petitioner in assaulting the victim has not been revealed and he has been dragged in the present case on account of land dispute running in between the petitioner and the informant's family. It is further submitted that the petitioner has been languishing in jail since 13.11.2023.

5. On the other hand, Mr. Ashok Kumar, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that two co-accused persons namely, Prakash Kumar and Mantun Yadav @ Manish Kumar carrying the similar nature of allegation have been denied the privilege of bail by this court vide order dated 26.07.2024 passed in Cr. Misc. No. 32783 of 2024 and during investigation, some independent witnesses revealed the presence as well as his role in assaulting the victim and he has actively participated in the alleged occurrence.

6. Considering the facts and circumstances of the case appearing from the FIR and case diary and mainly the statements of some of the independent witnesses mentioned in



paragraph nos. 34, 61 and 62 of the case diary which shows the petitioner’s active participation in the commission of the alleged murder of the victim, in my opinion, the petitioner does not deserve to the privilege of bail. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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