

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48240 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- MADHEPUR District- Madhubani

Saroj Kumar @ Saroj Kumar Yadav Son of Rambatar Yadav Resident of
Village - Sunder Birajit, P.S.- Madhepur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Madhepur P.S. Case No. 262 of 2023,
registered for the offence punishable under Sections 341, 307,
120(B) and 302 of the Indian Penal Code and Section 27 of the
Arms Act.

3. Allegedly, while the brother of the informant was
going to *Madhepur* from his house, in the meantime, he was
shot dead by some unknown persons.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted against unknown miscreants.
However, during the course of investigation, only on the basis of
suspicion, the name of the petitioner has been implicated in this



case. It is next contended that the petitioner happens to be own brother of the deceased and on the alleged date of occurrence, the petitioner was living in *Mumbai* for his livelihood. It is next contended that during the course of investigation, co-accused *Ajay Kumar Thakur*, *Sushil Mukhiya* and *Devan Yadav* were apprehended by the police and on their confession, the name of the petitioner has transpired. Save and except the confessional statement, there is no material. Moreover, the petitioner is in custody since 26.11.2023, having fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and drawing the attention of this Court to the materials collected during the course of investigation, as has been recorded in the case diary, has submitted that in fact the petitioner had extra marital affairs with the wife of the deceased and in order to eliminate him, he as transferred money to the assailants, who have killed the deceased. The motive suggest the involvement of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the materials collected during the course of investigation, this Court is not persuaded to the prayer of the petitioner and, as such, the application for bail stands rejected for present.



7. Considering the fact that the petitioner has been incarcerated since 26.11.2023, the petitioner shall be at liberty to renew his prayer for bail after framing of the charge.

(Harish Kumar, J)

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