

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49906 of 2024

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

Nitish Kumar SON OF Anil Kumar Village- Nirakhpur, P.S.- Khiri More,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Priyedarshi
For the Opposite Party/s : Mr. J.N. Thakur

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

ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Khiri More P.S. Case No. 182 of 2023,
registered for the offences punishable under Sections 302, 201,
120(B) and 34 of the IPC.

3. Ramesh Yadav is the informant of this case and
Rajendra Yadav (deceased) was his brother. The informant got
an information that the dead body of Rajendra Yadav and his
wife Sharda Devi were lying in the Madaripur (Baheri). He
went there and saw the dead bodies of his brother Rajendra
Yadav and his wife Sharda Devi.

4. During investigation, it was detected that the



deceased Sharda Devi was the third wife of deceased Rajendra Yadav. From his first wife, a son and daughter were born. The son, born out of the wedlock of his first wife, had already died and the daughter was married. His first wife had also died. Then he solemnized his second marriage with mother of co-accused Rakesh Kumar @ Bittu Kumar. She also died. Then Rajendra Yadav (the deceased) solemnized his third marriage with Sharda Devi (the deceased). It has also come during the investigation that the deceased Rajendra Yadav, intended to transfer the properties to his third wife due to which co-accused Rakesh Kumar @ Bittu Kumar was aggrieved and he used to altercate with his father.

5. As per allegation, the petitioner hatched a conspiracy with co-accused Rakesh Kumar @ Bittu Kumar and committed murder of Rajendra Yadav (informant's brother) and his wife namely Sharda Devi.

6. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. He is nephew of his first wife of Rajendra Yadav, having no concern with the family life of Rajendra Yadav or his son Rakesh Kumar @ Bittu Kumar. He has submitted further that as a matter of fact, the agnates of Rajendra Yadav themselves



might have committed his murder, as they are supposed to be beneficiaries of inheritance of property of the deceased.

7. On the other hand, the learned APP for the State Sri J.N. Thakur has opposed the prayer for bail and submitted that co-accused Rakesh Kumar @ Bittu has given vivid description of the entire occurrence in his self-inculpatory statement in which Rakesh Kumar @ Bittu has also named the present petitioner. He has submitted further that the bail application of co-accused Rakesh Kumar @ Bittu Kumar has been rejected by this Court vide order dated 23.09.2024 in Cr. Misc. No. 33780 of 2024.

8. From perusal of materials available on the record, it appears that the petitioner is nephew of the first wife of the deceased Rajendra Yadav. There is no motive for him to commit murder of the deceased. The case has been lodged against unknown and except confessional statement of co-accused, there is nothing against him in the entire investigation. The petitioner is under custody since 28.11.2023.

5. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate, Danapur in connection with Khiri
More P.S. Case No. 182 of 2023, subject to the following
condition that the petitioner shall cooperate in the disposal of
trial and make himself available as and when required by the
court.

(Nawneet Kumar Pandey, J)

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