

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67702 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- SAHPUR District- Patna

Sanjay Yadav @ Ujagar Son of Late Ramdhyan Yadav @ Ramdhyan Singh @
Ramdhyan Ray Resident of Village- Nurpur, Chandmari, P.S. -Shahpur,
District-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Kamal Kishore Singh, Advocate Mr. Amar Nath Singh, Advocate
For the Opposite Party	:	Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Shahpur P.S Case No. 208/2023 dated 17.03.2023 registered for the offences punishable u/s 302 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant's father had a fish farm and was also growing ladyfingers there, the petitioner and the co-accused persons used to consume smack, liquor and ganja near his orchard and also used to abuse and create nuisance and on being protested, they abused, assaulted



and threatened him for dire-consequences. On 17.03.2023, some unknown persons were consuming liquor in the south of the informant's pond and were abusing indicating the informant and his father but they did not raise any objection and the informant returned to his house, while his father remained in a hut beside the said pond. On the same day at 9.30 P.M., when the informant returned to the said hut he saw in the light of torch that the petitioner Sanjay Yadav @ Ujjagar alongwith some unknown was fleeing away towards southern side saying that the work was finished. The informant went inside the hut and found his father lying dead on a chair and there was red/black coloured spot on his neck. The informant made a noise and the villagers and their family members gathered there. The informant has believe that his father was murdered by the said persons by strangulation.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The other co-accused persons have already been granted bail by the co-ordinate Bench of this court *vide* order dated 02.12.2023 passed in Cr. Misc. No. 57410/2023. Learned counsel has submitted that there is no eye witness of the alleged occurrence. The petitioner has clean antecedent as stated in para



3 of the bail petition. The petitioner is in custody since 08.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. The other co-accused persons who have been granted bail by the co-ordinate Bench of this court *vide* order dated 02.12.2023 passed in Cr. Misc. No. 57410/2023 in which in para. 4 it is stated that, as per the F.I.R., the informant specifically made allegation against the petitioner. As per the Post-mortem report, the cause of death is due to asphyxia caused by strangulation leading to cardio respiratory failure.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Shahpur P.S Case No. 208/2023, pending in the court of learned Judicial Magistrate 1st Class, Danapur, Patna.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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