

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39858 of 2023

Arising Out of PS. Case No.-79 Year-2019 Thana- BAGENGOLA District- Buxar

SHIVDULAR YADAV S/O LATE YAMUNA YADAV Resident of Baradhi
Tola Chapra, P.S.- Bagen Gola ,District- Buxar Petitioner/s
Versus
THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Deo Singh
For the Opposite Party/s : Mr. J. N. Thakur, APP

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

ORAL ORDER

8 23-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Bagengola P.S. Case No. 79 of 2019 registered for the
offence punishable under Sections-147, 148, 341, 342, 323, 302,
201 of the Indian Penal Code.

3. According to FIR, son of the informant (deceased)
went to the house of his *Fua* from where he informed his father
that he had arrived at the house of his *Fua*. Later on, the
informant got an information that named accused persons
including the petitioner had committed murder of his son and
threw his dead body 200 metres away from the house of his
Fua. The blood-stained Gamchha of the deceased, according to
the allegation, was present in the house of the petitioner.

4. Learned counsel for the petitioner has submitted



that the petitioner was not sent up for trial and no cognizance was taken against him. The case of other co-accused persons was committed to the court of Sessions. Thereafter, the charges were framed and six witnesses were examined during trial. Considering the materials against the petitioner emerged out during trial, learned court below summoned him to face the trial under Section 319 of the Cr. P.C. Learned counsel has submitted further that there are contradictions between the depositions of the prosecution witnesses.

5. The prosecution witnesses examined during trial have stated categorically that the petitioner called the deceased and the deceased followed the petitioner. Thereafter, he was murdered. Considering these materials the learned court below summoned the petitioner under Section 319 of the Cr. P.C.

5. Learned counsel appearing for the State has opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, the petitioner does not deserve anticipatory bail and accordingly, the same is **rejected**.

(Nawneet Kumar Pandey, J)

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