

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13327 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -DUMRAUN District- BUXAR

- =====
1. Nirmal Yadav Son of Late Raj Narayan Yadav
 2. Dadan Yadav Son of Late Raj Narayan Yadav Both residents of Village - Navadera P.S. Dumraon, District - Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Sunil Kr. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-07-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

The petitioners are languishing in custody since 17.02.2016 in connection with Dumraon (Naya Bhojpur) O.P. P.S.Case No.44 of 2016 for the offences under Sections 302 and 201/34 of the I.P.C.

The prosecution case, in brief, is that Soni Kumari who was the daughter of petitioner no.2, Dadan Yadav was missing from the village since 12.02.2016. There was rumour in the village that Soni Kumari had illicit relation with one person of the village, namely Birbal Yadav, on account of which she was murdered by her father and uncle, namely, Dadan Yadav and Nirmal Yadav respectively, and her dead body was disposed of at

Mani Ghat Nala in northern side of the village.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 17.02.2016 and the charge sheet has been submitted in the present case. The petitioners have got no criminal antecedent. It is further submitted that the petitioners have falsely been implicated in the present case due to dirty village politics. From perusal of the impugned order itself, it is evident that the deceased girl is aged 8 – 9 years as per her School Leaving Certificate whereas from the post mortem report, it is evident that the said girl is aged 17 years. There is no circumstantial evidence to show the implication of the petitioners in the present case nor there is any motive alleged against the petitioners. Merely the deceased happened to be the daughter of the petitioner no.2 and niece of petitioner no.1, they have been made accused in present case.

On behalf of the State it is submitted that the petitioners have been named in the F.I.R. The dead body of the deceased is said to have been recovered from the village. It is further submitted that the motive alleged is that the deceased was having illicit relation with one Birbal Yadav which was not liked by the petitioners. The dead body of the said Birbal Yadav is also said to have been recovered from the separate place.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioners. The same is rejected at this stage, in connection with Dumraon (Naya Bhojpur O.P.) P.S.Case No.44 of 2016, pending in the court of learned C.J.M.,Buxar.

(Sudhir Singh, J)

AnilKrSinha/-

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