

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42275 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -ATRI District- GAYA

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Tapeshwar Yadav S/o Hajari Yadav, resident of Village- Chahel Murera,
P.S.- Atri, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
10.07.2017 in connection with Atri P.S. Case No. 52 of 2017
for offences punishable under Sections 302, 201, 120(B) of the
Indian Penal Code.

The prosecution case, as lodged by the local
Chaukidar, is that he got information that one Mamta Kumari
has been killed by her father, the petitioner, who is planning to
cremate the dead body. On arriving at the place of incident the
dead body of the said Mamto Kumari was found and the local



people stated that the petitioner and his family members and 10-12 other persons were present in the cremation but seeing the police they fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal history. He submits that he is the father of the deceased and there is no eye witness to the alleged witness and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. The allegations are general and omnibus against ten persons named in the F.I.R. and 10-12 unknown persons.

However, learned APP for the State opposes the prayer for bail stating therein that the independent witnesses have supported the prosecution case as the deceased wanted to marry one Pravin Kumar but the petitioner fixed her marriage with someone else and she was killed in the house and cremation was being done.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Atri P.S. Case No.52 of 2017 pending in the court of learned Additional Chief



Judicial Magistrate-1st, Gaya.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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