

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.47962 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- PANCHRUKHI District- Siwan

-
1. Manju Devi, aged about 38 years, female, Wife of Ashok Yadav.
 2. Ganesh Yadav, aged about 65 years, male, Son of Late Ramdeo Yadav.
 3. Upendra Yadav, aged about 35 years, male, Son of Ganesh Yadav.
- All resident of Village - Mandrauli, P.S.- Pachrukhi (M.H. Nagar), District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arghesh Kumar, Adv.
For the Informant : Mr. Jai Shanker Prasad, Adv.
For the State : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 25-09-2019 Heard the learned counsel for the petitioners,

informant and the State.

The petitioners seek bail in connection with

Pachrukhi (M.H. Nagar) P.S. Case No. 74 of 2019, dated

24.03.2019, instituted for the offences under Sections 302,

201 and 120/34 of the Indian Penal Code.

One Arun Kumar Yadav had developed intimacy



with one Priyanka Kumari, which was not to the liking of the family members of aforesaid Priyanka Kumari. The petitioners are the mother and uncles of aforesaid Priyanka Kumari respectively.

The First Information Report has been lodged by the father of the deceased, who has alleged that Priyanka Kumari had informed one of his relatives that at the house of the maternal grandfather of aforesaid Priyanka Kumari where the son of the informant had visited, he was being assaulted. It was alleged that the petitioners, who are related to Priyanka Kumari, kidnapped/abducted the son of the informant (deceased) and took him to a desolate place and killed him. Ultimately, the dead-body of the deceased was recovered from near the railway tracks and a case of unnatural death was registered.

The learned counsel for the petitioners has submitted that the communication given by aforesaid Priyanka Kumari to one of the relatives of the informant was very clear in its import that the deceased was caught hold of by the villagers and was assaulted by them. There is no



eye-witness to the occurrence of either kidnapping the deceased or killing him.

It has further been urged on behalf of the petitioners that merely because the petitioners happen to be related to the girl side, they have been made accused in this case at the instance of the father of the deceased, who was *prima facie* of the opinion that because of the intimacy between his son (deceased) and Priyanka Kumari, the aforesaid occurrence had taken place.

In any view of the matter, considering the nature of accusation and strong suspicion against petitioner Nos. 2 and 3/Ganesh Yadav and Upendra Yadav, I am not inclined to grant bail to them for the present.

However, taking into account the fact that they are in custody since 26.03.2019, they are granted the liberty of approaching this Court again, if there is no substantial progress in the case.

So far as petitioner No. 1/Manju Devi is concerned, she is the mother of aforesaid Priyanka Kumari and in the absence of any cogent and direct evidence regarding her



participation in the offence, I am inclined to grant bail to her, taking into account her gender as well. She also is stated to be in custody since 26.03.2019.

Let petitioner No. 1/Manju Devi be released on bail on her furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Pachrukhi (M.H. Nagar) P.S. Case No. 74 of 2019.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

