

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.76212 of 2018

Arising Out of PS. Case No.-274 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

1. Devendra Yadav, S/o Ramdehin Singh, Resident of Village- Milki, P.S. Makhdumpur Tehta O.P., District- Jehanabad.
2. Nira Kumari, D/ o Shri Devendra Yadav, resident of Village- Milki P.S.- Makhdumpur Tehta O.P., District- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shri Prakash Srivastava

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Makhdumpur Tehta P. S. Case No. 274 of 2018 instituted for the offence under Section(s) 302/34 of the Indian Penal Code r/w section 27 of Arms Act.

It is alleged in the *fardbeyan* that on 1.8.2018 while the informant was in his house along with his family members, the son of informant, namely Manish Kumar @ Chhotu received a phone call on his mobile and he went away from his house. The informant, during the relevant time was talking with his family members after taking meal. It is further alleged that at 2 PM the daughter of Devendra Yadav (petitioner no.1), namely, Nira Kumari raised *hulla* that Chhotua killed her sister, namely Jyoti Kumari. Thereafter, the informant along with other family



members rushed to the house of the petitioner no.1 and found his son Manish @ Chhotu was lying on the floor and there was gunshot injury on his head and temple and bleeding was taking from his body. He further found that Jyoti Kumari was lying in the *Angan* and she was breathing and demanding water. Nira Kumari, who is elder sister of Jyoti Kumari and grandmother of Jyoti Kumari along with other villagers were also present at the place of occurrence. It appears from behavior of Nira Kumari that she had called son of informant on telephone under conspiracy and she had got the miscreants hidden in the house prior to occurrence and to conceal the evidence Jyoti Kumari has also been murdered. The informant has raised suspicion against Dinesh Kumar, Ranjeet Kumar had committed the aforesaid occurrence and Naresh Singh, Devendra Yadav (petitioner no.1) and Kamla Devi have called the miscreants under conspiracy for committing murder due to land dispute There was relationship between Naresh Yadav and Devendra Yadav. The mobile of his son has been thrown in the well after committing murder to conceal the correct facts. The informant has further alleged that Nira Kumari (petitioner no.2), Kamla Devi, Devendra Yadav (petitioner no.1), Naresh Yadav and Dinesh Kumar have committed the occurrence with other miscreants.

Learned counsel for petitioners submits that mere



suspicion has been raised against these petitioners in the written report as well as in the case diary. Learned counsel further submits Manish Kumar @ Chhotu was in one sided love with daughter of petitioner no.1 and the sister of petitioner no.2. Manish Kumar @ Chhotu entered into the house of the petitioners and killed Jyoti Kumari by means of sharp cutting weapon and thereafter killed himself in the house of the informant. Petitioner no.2 has narrated the entire incident before the Officer In-charge, Tehta O.P. on 3.8.2018 on the basis of which Makhdumpur Tehta P.S. case no. 276 of 2018 has been registered. Learned counsel further points out that petitioner no.1 is Assistant Teacher and petitioner no.2 is married daughter of petitioner no.1. They have no concern with the aforesaid occurrence.

Learned counsel for informant has appeared and opposed the prayer for bail. He submits that this is a case of honor killing. The mobile phone of the deceased was thrown inside the well to conceal the evidence. The son of the informant was called in the house of petitioner no.1 under conspiracy by petitioner no.2 and he was murdered and thereafter in order to conceal the evidence the petitioners have also committed murder of Jyoti Kumari since she was in love with Manish @ Chhotu.

Learned APP for the State, after looking into the case diary has submitted that informant in his further statement has



stated about the WhatsApp message having been sent by the son of the informant (since deceased) to his friend, namely, Sudhir Kumar stating that he was called by Nira , Sanjeev and Dinesh in the name of Panchayati and have confined him in the house and they are planning to commit his murder in the house of Devendra Yadav (petitioner no.1). He further submits that the postmortem report of both deceased is available in paragraph no. 65 of the case diary, wherein, one deep penetrating wound on back of head was found on the person of deceased, namely Manish Kumar @ Chhotu and five penetrating wound were found on the person of the deceased, namely Jyoti Kumari. He further points out that several witnesses in the case diary have stated about the conspiracy of these petitioners in the aforesaid occurrence.

Learned counsel for petitioner submits that sister of the deceased Nira Kumari who was present in the house at the time of occurrence had also filed the case vide Makhdumpur Tehta P.S. case no. 276 of 2018 for the same date of occurrence stating in detail the manner in which Manish Kumar @ Chhotu who was in one side love with her sister , namely, Jyoti Kumari has committed murder of Jyoti Kumari with sharp weapon and thereafter he killed himself with pistol on his head.

From the entire narration of allegation made in the written report as well as the statement of the several witnesses in



the case diary, this Court finds that except suspicion there is no allegation of specific overt act against these petitioner.

Petitioner no.1 is father of deceased Jyoti Kumari whereas petitioner no.2 is sister of Jyoti Kumari. They are in custody since 3.8.2018.

Considering the aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M. Jehanabad, in connection with Makhdumpur Tehta P. S. Case No. 274 of 2018 subject to the condition that both the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J)

shyambihari/-

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

