

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6225 of 2020**

Arising Out of PS. Case No.-44 Year-2019 Thana- JOGAPATTI District- West Champaran

NAND KISHORE THAKUR Son of Late Maharaj Thakur Resident of
Village- Pipra Naurangiya, P.S.- Yogapatti, Distt- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey,Advocate

For the Informant : Mr.Raghav Prasad,Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 10-06-2020 This application has been placed for consideration

by the order of the Hon'ble the Chief Justice through virtual

court proceeding.

Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner in the present case is seeking regular
bail in connection with Yogapatti P.S. Case No. 44 of 2019
registered for the offences punishable under Section 302, 201/34
of the Indian Penal Code.

Learned counsel for the petitioner submits that the
marriage between the deceased lady and this petitioner had
taken place about 27 years back. Out of their wedlock, they had
five children and sons, the elder brother of this petitioner had no
issue out of his wedlock, the eldest son of the petitioner and the



deceased was taken in adoption by the elder brother of the petitioner. It is submitted that the death took place in the village and thereafter her dead body was cremated along with the villagers but the informant who is brother of the deceased lodged the First Information Report making allegation that the petitioner and his elder brother as also the adopted son were torturing the deceased. It is submitted that although the petitioner has been made accused in this case but save and except suspicion there is no material against him.

Learned counsel also points out that the co-accused Bhabhi of this petitioner with whom it is alleged that this petitioner had developed illicit relationship and the elder brother of this petitioner have been granted regular bail by learned Coordinate Benches of this Court and in fact Sumitra Devi has been enlarged on bail by this very Court vide order passed in Cri. Misc. No. 72349 of 2019.

Learned APP for the State as well as learned counsel for the informant have together opposed the prayer for regular bail of the petitioner. It is submitted that in paragraph '6', '7' and '16' of the case diary independent witnesses have supported the prosecution case and they have stated that this petitioner had developed illicit relationship with his Bhabhi which was being



objected by the deceased and because of that she was being tortured by the petitioner. They have stated that on the alleged date of occurrence the petitioner and his wife were alone in the house. After death of his wife, the petitioner did not take any co-villager with him and with the help of outsiders he got her dead body cremated. The witness in paragraph '16' is a lady who is the co-villager. In paragraph '15' of the case diary Pooja Kumari who is the major daughter of the deceased and this petitioner has made statement that she along with the elder brother of the petitioner and her aunt had been outside the village when she got information about the death of her mother but by the time she returned on the next day the dead body of her mother had already been cremated.

Learned counsel for the informant has submitted that the fact is that the deceased was not taken to any doctor and the petitioner did not wait for even arrival of other family members who could have reached village within few hours after information and in absence of them the dead body was cremated in a hurry are some strong circumstances to show that the deceased was done to death.

Having heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant



and on noticing that the independent witness in the case diary has stated that this petitioner and his wife were alone in the house when she died and thereafter the dead body was cremated in a hurry without waiting for arrival of the other family members and further that even the villagers were not taken to participate in the cremation, the occurrence was not reported to the nearest police station even though it was a case of unnatural death and that the deceased was not taken to any hospital if she had developed any abdominal pain as is being claimed by the petitioner, for these circumstantial reasons noticed from the material on the record, I am not inclined to grant regular bail to the petitioner.

This application is dismissed.

Let the trial be expedited. Prosecution shall cooperate in conclusion of trial.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

