

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28844 of 2020

Arising Out of PS. Case No.-881 Year-2019 Thana- MADHEPURA District- Madhepura

JAI PRAKASH YADAV S/o Raghunandan Yadav @ Rajendra Yadav
Resident of Village- Barahi, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-12-2020 The learned counsel for the parties were heard at length on 15.12.2020 and the instant case has been listed today (17.12.2020) under the heading “For Orders”.

The petitioner seeks regular bail in connection with Madhepura P.S. Case No. 881 of 2019 for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that upon information being received, he along with the police force had proceeded towards village- Naulakhia, Ward No. 1 near Sahugarh river and upon reaching near the banks of the river, a dead body of a male was found and at a distance of 500 meters thereof, one dead body of unknown female was found floating in the water near the banks of the



river, whereafter the dead body was sent to the Sadar Hospital, Madhepura for post-mortem.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 29.02.2019. The learned Senior counsel for the petitioner has submitted that the name of the petitioner has transpired in the present case on account of the confessional statement made by the mother of the deceased female, after she was arrested by the police. It is submitted that the mother of the deceased female namely Renu Devi has disclosed that her daughter had consumed "THIMET" poison, after she had returned in the night to her house and was being assaulted by the accused persons including the petitioner herein on account of her love affairs with a villager with whom she had gone to the fair, whereafter the accused persons including the petitioner herein had stuffed her dead body in a gunny bag and thrown the same in the river, thus the learned Senior counsel for the petitioner has submitted that the deceased female has died on account of consuming poison, hence the petitioner is having no complicity in the matter.

Per contra, the learned APP appearing for the State



has vehemently opposed the prayer for regular bail, made by the petitioner.

Having considered the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that as far as the death of the deceased female is concerned, it has been opined in the post-mortem report as follows:- “the above noted findings were ante mortem, grievous and dangerous to life in ordinary course of nature and caused due to closure of mouth and nostrils by soft and blunt object”. The cause of death, in the post-mortem report, has been stated as follows: “Asphyxia and shock due to smothering”. Thus, this Court finds that the argument advanced by the learned Senior counsel for the petitioner is contrary to the materials available on record apart from the fact that there are ample material on record to show the complicity of the petitioner in the alleged crime, which appears to be a case of honour killing inasmuch as both the deceased, male and female, who were having love affair, have been killed and the accused persons are the family members/well-wishers of the deceased female. Moreover, the petitioner, who is the elder brother-in-law of the mother of the deceased female, has been alleged to be a



participant in the alleged crime by the mother of the deceased female, in her confessional statement made before the police, hence prima facie I find that there are ample materials on record to show the complicity of the petitioner in the alleged crime, thus, I do not find any merit in the present petition, therefore, the same stands dismissed.

(Mohit Kumar Shah, J)

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