

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11668 of 2021**

Arising Out of PS. Case No.-252 Year-2020 Thana- GAIGHAT District- Muzaffarpur

Ram Sresth Mahto, S/O Ram Bilash Mahto, R/O Jarang Malahtoli, P.S-
Gayghat, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate

Mr. Kameshwar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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

6 02-09-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard Mr. Y.C. Verma, learned Senior Counsel for the
petitioner and Mr. Ram Bilash Roy Raman, learned A.P.P. for
the State.

Petitioner in the present case is the husband of the
deceased who is seeking regular bail in connection with
Gayghat P.S. Case No. 252 of 2020 registered for the offence
punishable under Sections 302, 201/34 of the Indian Penal
Code. He is in custody since 21.10.2020.

As per prosecution case, the sister of the informant
was being tortured since her marriage because the informant

was unable to fulfill the demand of a motorcycle from this petitioner. His sister told the petitioner that the informant is a poor person and he cannot provide the motorcycle, for this reason, the sister of the informant along with her daughter has been killed and the dead bodies were thrown in a bag in water. The informant alleged conspiracy on the part of their family members in killing his sister and niece.

Mr. Verma, learned Senior Counsel for the petitioner has raised some submissions for consideration. According to him the manner of killing is not corroborated from the materials collected in course of investigation. The bag in which allegedly the dead bodies were thrown in the water has not been recovered and the actual way of committing murder is still not known.

Learned Senior Counsel further submits that in course of investigation some of the co-villagers have stated that the deceased lady was in habit of leaving the house alone some time, therefore, when the wife and the daughter of the petitioner did not return home on 07.08.2020 he had no reason to doubt that any untoward happening has taken place and this is the reason he had not reported it to the nearest Police Station.

Learned Senior Counsel further submits that the

recovery of the dead bodies from the water shows that it was a case of drowning in the flood water and cannot be said to be a case of murder. Admittedly the marriage had taken place about ten years ago.

On the other hand, Mr. Ram Bilash Roy Raman, learned A.P.P. for the State submits that in course of investigation it has come that the wife and the daughter of the petitioner were not there in the house since 07.08.2020. The most startling conduct of the petitioner is that he never brought this fact to the notice of any of the co-villagers and no information was given to the Police Station regarding the missing of his wife and daughter.

It is submitted that the natural conduct of any other person would have been to find out his wife and daughter or to call upon the relatives to find out the whereabouts of his wife and daughter but in this case the investigation reveals that the petitioner had neither informed it to the co-villagers or his any relatives nor it was reported to the Police.

It is further submitted that the dead bodies of both the victims were found from the same and one place which further shows that the theory of drowning in the water is a concocted story because it is not possible that two living persons will

drown in flood water and still their dead bodies will be found from the same and one place particularly when one of them is a child.

Learned A.P.P. submits that in the case diary the co-villagers have not claimed any knowledge given to them in this regard by the petitioner and they have acknowledged that the petitioner should have brought this fact to the notice of the Police Station.

Considering the facts and circumstances of the case, the gravity of the offence alleged wherein the two persons who are wife and daughter of the petitioner have been found dead and their dead bodies were recovered after 12-13 days without any information to the Police and the dead bodies were found in such a condition that even post-mortem could not be conducted, this Court is not inclined to release the petitioner on bail. The prayer for bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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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'.