IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24159 of 2021

Arising Out of PS. Case No.-223 Year-2015 Thana- NAUBATPUR District- Patna

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Rajesh Mochi @ Asharffi Mochi @ Asarfi Mochi, Son Of Nageshwar Mochi Resident Of Village- Serpur, Police Station- Dulhin Bazar, District- Patna

... ... Petitioner/S

Versus

The State Of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rohit Mishra
For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 22-12-2021 Heard the learned Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Nawatpur P. S. Case No.223 of 2015, instituted for the offences under Sections 302 and 201 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 10.01.2020, he is a person with clean antecedent and charge-sheet has been submitted in this case.

The learned counsel for the petitioner submits that the informant in the F.I.R. alleges that he got information regarding a dead body of one unknown female lying in the field of village Pitmas. Accordingly, he went to the place of occurrence and found the beheaded dead body of a woman and near the dead body, several articles were lying as detailed in the F.I.R.

The learned counsel for the petitioner submits that

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during the course of investigation, it transpires that this petitioner married the deceased in the Year 2012 in a temple at Himachal Pradesh where he disclosed his caste as “Mahto”. It is further submitted that it was a love marriage between the petitioner and the deceased. The learned counsel submits that during the course of investigation, it further transpires that when the petitioner along with deceased came back to his village thereafter the deceased came to know that this petitioner does not belong to the Mahto caste rather is a Scheduled Caste, but still the marriage was surviving though the deceased was little upset that the petitioner did not disclose his caste to her at the time of marriage.

The learned counsel for the petitioner further submits that it was a love marriage and as such, the deceased was aware that the petitioner belongs to Mochi Caste. As such, they eloped and married at Himachal Pradesh and when they came back, the learned counsel for the petitioner submits that though it has not come in the investigation, but the killing was an honour killing because it does not stand to reason that where the dead body was lying, all the material evidences connecting the petitioner would have been thrown by the petitioner himself and thus, get connected with the offences.

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The learned counsel for the petitioner submits that petitioner, who is the husband, who was in love with the deceased and as such, they married and were living a peaceful life and they came back to the village and occurrence took place and the petitioner got falsely implicated in this case.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 10.01.2020, he is a person with clean antecedent, charge-sheet has been submitted in this case and the marriage was a love marriage at Himachal Pradesh, which amply demonstrates that the petitioner and the deceased were apprehensive of getting married in Bihar, because of the repercussion which might have entailed, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Danapur, Patna in connection with Nawatpur P. S. Case No.223 of 2015.

The application stands allowed.

(Satyavrat Verma, J)

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