

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16354 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- JAYNAGAR District- Madhubani

Mukesh Kumar Yadav Son of Dilip Yadav Resident of Village- Pithvatole,
P.S.- Deodha, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Jainagar P.S. Case 246 of 2021 under sections 302, 201, 34 of
the Indian Penal Code.

The FIR was lodged against unknown. The informant,
a local ‘Choukidar’ lodged the FIR stating therein that he got an
information that a dead body has been found in the canal which
was recovered and sent to post mortem report, whereafter, the
present FIR was lodged. Subsequently, in course of the
investigation, the name of the petitioner cropped up and he is in
custody since 26.9.2021.



On 14.7.2022, case diary, criminal antecedent report of the petitioner as also post mortem report was called for.

Learned counsel for the petitioner submits that the case was registered against unknown and the petitioner has been arrested merely on suspicion and he is in jail since 26.9.2021.

Mr. Jitendra Kumar Singh, the learned APP appearing on behalf of the State on the other hand has taken to this Court's attention to para-45 of the case diary which is the confessional statement of accused/petitioner where he has confessed his crime narrating the entire sequence that he was in physical relationship with the wife of the deceased and on her instance, on the fateful day after picking the deceased on his motorcycle and after making him consume liquor, he along with Saroj Mukhiya, as per the plan, killed him.

The learned APP further has taken this Court's attention to para-48 of the case diary in which the 'Hasua' used in the crime was recovered/seized on the basis of said confessional statement. Further in para-84, the motorcycle used in the crime was also seized on the basis of confessional statement of the petitioner.

Although, the confessional statement before the police have no evidentiary value, if pursuant to that confessional



statement, the materials are recovered/seized, in this case, the ‘Hasua’ and the motorcycle, statement becomes important.

Taking into account the aforesaid facts as also the role and manner of the petitioner in the killing of the deceased who was killed and the body was thrown in a pond and some body parts almost eaten by the fishes, this Court is not inclined to enlarge the petitioner on bail which is accordingly rejected.

(Rajiv Roy, J)

Ravi/-

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

