

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40012 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- DHURAIYA District- Banka

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1. Manoj Kumar Yadav @ Manoj Yadav @ Manoj Kumar S/o Sudin Yadav @ Surendra Prasad Yadav R/o village- Tahirpur, P.S.- Dhoraiya, District- Banka
 2. Manita Devi @ Namita Devi W/o Manoj Kumar Yadav @ Manoj Yadav @ Manoj Kumar R/o village- Tahirpur, P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 24-11-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Dhoraiya P.S. Case No. 51 of 2022 registered for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code.

As per the prosecution, the informant's daughter was murdered by these petitioners along with the deceased's husband (Hemant Yadav) and the deceased's husband had an



illicit relationship apart from his present marriage with the petitioner No. 2. Further it is alleged that these petitioners caught hold the deceased and her husband inflicted a blow at her neck by means of Gandasa, thereafter all the accused persons wrapped the body in a jute bag and threw the dead body on the bank of nearby river from where the dead body was recovered and identified.

The main submissions advanced by the learned counsel Mr. Samir Kumar for the petitioners are that the petitioners are having separate kitchen and residence in the house from the husband of the deceased and they have also separate engress and outgress of their residential part and the allegation made against them is general and omnibus and co-accused person namely Anuj Yadav who is brother-in-law of the deceased has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 35710 of 2022 and petitioners have been languishing in jail since 28th March, 2022.

Learned APP Mr. Abhay Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case. As per the allegation made in the FIR, the husband of the deceased developed illicit relationship with the



wife of his brother which was objected by the deceased and owing to that resistance the deceased was subjected to torture and finally she was killed by the accused persons in which the petitioners were alleged to be involved. The petitioner No. 1 is stated to be the husband of the petitioner No. 2 and when he came to know about the said illicit relationship then instead of making objection he supported the alleged illicit relationship and as per the allegation the deceased was badly assaulted by the accused persons including the petitioners by means of Gandasa and after her death the husband of the deceased disposed of her body near the *Gadha* river which was taken out during the investigation. In respect of the allegation appearing against the petitioners, the statement of Mukhiya of the village of the petitioners is relevant and she has supported the allegations made in the FIR and the statements of other witnesses are also relevant to the allegation made against the petitioners. Considering the seriousness of the allegation appearing against the petitioners, in the opinion of this Court the petitioners do not deserve to the privilege of bail. Accordingly, their bail prayer stands rejected.

As according to learned counsel for the petitioners, the trial of the petitioners has not commenced till date, hence the



Court concerned is directed to take steps to start the trial of the petitioners at the earliest if the case of the petitioners has been committed and take steps to conclude the trial in the next one year. If the trial of the petitioners is not concluded in the said period then the petitioners may renew their bail prayer.

(Shailendra Singh, J.)

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