

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50057 of 2021

Arising Out of PS. Case No.-426 Year-2020 Thana- RAHUI District- Nalanda

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MUKESH YADAV Son of Saina Yadav Resident of village - Bhatha, P.S. -
Harnaut, District - Nalanda at Bihar Sharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Prem Ranjan Kumar
For the State	:	Mr. Nand Kishore Prasad
For the Informant	:	Mr. Premchandra Yadav

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-01-2022 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 302 and some other
ancillary Sections of the Indian Penal Code.

As per the prosecution case, the informant solemnized
love marriage with deceased against wishes of her family
members. It is further alleged that after some time she became
pregnant and her family members took her ornaments and
started putting pressure to leave her husband. On 13.10.2020
Sudha Devi called the informant and when she and her husband
reached in the field near Bhatha village, on the instruction of her
father and both brothers, co-accused, Tuntun Kumar and



Newton Kumar, who were there from before, assaulted them with Khanti causing serious injuries to them and thereafter this petitioner along with his brother pierced sharp iron rod in the head of her husband, who died during the course of treatment.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. The informant is sister of this petitioner and the deceased and her sister have two daughters and one son from the wedlock. The alleged occurrence has taken place on 13.10.2020 but the fard bayan was lodged on 19.10.2020 after six days of the occurrence without any explanation for such delay and it appears that FIR was lodged after thought. As per FIR this petitioner is alleged to have pierced sharp iron rod in the head of deceased but no piercing wound caused by sharp edged weapon was found by the doctor and, thus, the post mortem report does not corroborate the allegation. Petitioner claims clean antecedent and is in custody since 20.03.2021 and investigation in this case is complete.

Learned counsel appearing for the State and the informant opposed the prayer for bail and submitted that it is a case of honour killing. Petitioner is non else than the brother of informant and since the informant solemnized love marriage



with deceased against the wishes of her family members, this petitioner and other accused persons committed the murder of deceased.

Considering the facts of the case, the period of custody of the petitioner and the fact that post mortem report does not corroborate the allegation made in the FIR, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-IV, Nalanda at Biharsharif in connection with Rahui PS case No.426/2020.

(Prabhat Kumar Singh, J)

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