

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52386 of 2021**

Arising Out of PS. Case No.-220 Year-2018 Thana- JHAJHA District- Jamui

PAPPU @ DILDIL YADAV S/o NAGESHWAR YADAV R/o VILLAGE-
HARNA BELATAR, P.S- JHAJHA, DISTRICT-JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 14-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Jhajha P.S. Case No. 220 of 2018 instituted for the offences
under Sections 302 and 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.04.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that his daughter was married
to the petitioner and out of wedlock three daughters were born.
Further for the last five years the petitioner and his family
members were demanding a motorcycle and Rs.1,00,000/- but
the informant on account of poverty was unable to fulfill the



demand and further on 17.06.2018 the informant got information that his daughter has been killed accordingly he went to the matrimonial home of his daughter and saw the door locked. He searched the dead body but was unable to find out accordingly, the FIR was instituted alleging that after killing the deceased the dead body has been disposed of.

Learned counsel for the petitioner submits that the FIR does not disclose the date of marriage but the fact that it is a case registered under Section 302 of the Indian Penal Code that in itself demonstrates that the marriage was more than seven years old and if the petitioner and the deceased stayed together for so long then why the petitioner would kill the deceased. It is further submitted that as far as allegation of demanding dowry is concerned i.e. only ornamental in order to make out a case that the deceased was killed for non-fulfillment of the dowry demand. It is further submitted that the petitioner out of wedlock had three daughters and, as such, would never have done an act which would have spoiled his entire family life.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the deceased was missing and no FIR was instituted by the petitioner or his family members, points to the fact that they



were aware that she is no more and thus were afraid and hence, did not institute an FIR. Further the dead body of the deceased was recovered after few days which was cut into pieces and kept in a plastic bag which gives an impression that the murder was brutal. It is thus submitted that recovery of the dead body and not instituting an FIR clearly gives an impression that something was in knowledge of the petitioner for which the petitioner or his family member did not approach the police.

Considering the submissions made by the learned A.P.P., the Court is not inclined to grant bail to the petitioner in connection with Jhajha P.S. Case No. 220 of 2018 pending in the Court of learned Chief Judicial Magistrate-1, Jamui.

(Satyavrat Verma, J)

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