

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68718 of 2021

Arising Out of PS. Case No.-239 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

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Binay Kumar @ Karo Yadav Son of Arvind Yadav Resident of Village and
P.O.- Sadpur, P.S.- S. Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-04-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in S. Kamal P.S. Case No.
239 of 2018, registered for the offence punishable under
Sections 302, 201 and 34 of the Indian Penal Code.

On recovery of dead body of unknown lady FIR was
registered against unknown. The informant found the dead body
in water of Boriya Dhaw. The deceased sustained injury in her
abdomen and on account of such injury, her intestine had come
out. There was ligature mark all around the neck and the dead
body of the deceased was tied with sack filled with soil and
drowned in water of Boriya Dhaw. Petitioner happens to be the
husband of deceased.



It is submitted on behalf of the petitioner that police after investigation submitted final form finding the case true but clueless. After one year of the occurrence, on the petition of Shobha Devi (mother of the deceased), the case was re-opened. She disclosed that her daughter was married with this petitioner in the year 2017 and when she did not receive any information about her daughter, she enquired and later on during course of search, the dead body of her daughter was found in water of Boriya Dhaw. She also identified the dead body after seeing the photographs as her daughter. Petitioner is in custody since 08.03.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that petitioner is husband of the deceased and body of the deceased was found with many ante mortem injuries and her dead body was thrown in water. The deceased was living with this petitioner along with family members, but nobody informed the mother of the deceased about death of her daughter. It appears that petitioner with the help of family members killed the deceased and threw the dead body in water in order to screen out the evidence.

Considering the facts aforesaid, nature of allegation and the materials available on record, I am not inclined to



enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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