

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19907 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- BHORE District- Gopalganj

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UMESH PANDEY Son of Late Tiha Pandey Resident of Village - Jyotishi
Tola Khalgaon, P.S.- Bhore, Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-01-2023 Heard the learned counsel appearing for
the petitioner and learned A.P.P. appearing for the
State.

The petitioner seeks regular bail in
connection with Bhore P.S. Case No. 330 of 2021
for the offence punishable under Sections 302,
120B and 34 of the Indian Penal Code.

The case of the prosecution, in brief,
according to the informant, is that the younger
daughter of the informant was married to one
Ravishankar Pandey of village Jyotishi Tola,
Khalgaon, whose parents had already died but the
family of the son-in-law of the informant was joint
in mess, however, the uncle of the son-in-law of
the informant and his family members were having
an eye on the property of the son-in-law of the
informant, who is the only male child of his parents



inasmuch as his two sisters are already married. It is also alleged that after marriage the uncle and aunt and other family members of the son-in-law of the informant used to harass the daughter of the informant. It is further alleged that on 05.07.2021, the son-in-law of the informant was sent to Rajasthan to earn his livelihood and since then the accused persons including the petitioner herein started torturing and harassing the daughter of the informant and had the intention of killing her so that her clan cannot grow. The informant has also alleged that on the previous night of the fateful night, the daughter of the informant had rang her and stated that some other persons have also arrived in the house and she is feeling insecure and scared, however, thereafter, there was no contact and subsequently the informant came to know that her daughter had been killed by the accused persons including the petitioner herein with a view to grab the property of the son-in-law of the informant.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 19.09.2021. The learned counsel for the petitioner has submitted that similarly situated co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 26.04.2022 passed in Criminal Miscellaneous No. 19531 of 2022. Lastly, it is submitted that the petitioner is the cousin father-in-law of the deceased lady, hence he has got no role to play in the alleged occurrence, thus the petitioner is entitled to be enlarged on bail.

Per contra, the learned A.P.P. appearing for the State has vehemently opposed the prayer for bail and has submitted, by referring to the materials available in the case diary, that the petitioner is the main accused in the present case and with a view to grab the property of his nephew i.e. the son-in-law of the informant, whose parents are no longer alive, had hatched a conspiracy along with other accused persons to kill the



daughter of the informant so that the clan of the nephew of the petitioner /daughter of the informant does not come into being, resultantly the entire property would then devolve upon the petitioner and his family members. It is further submitted that witnesses have also corroborated the factum of the petitioner and other accused persons having killed the daughter of the informant.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that the aforesaid submissions made by the learned A.P.P. stand corroborated and, moreover, there are ample materials on record of the case to show the complicity of the petitioner in the alleged occurrence, hence I do not find any merit in the present petition, thus the same stands dismissed.

At this juncture, it would be relevant to



mention here that the order dated 26.04.2022 passed in Criminal Miscellaneous No. 19531 of 2022, relied upon by the petitioner, by which a Co-ordinate Bench of this Court has granted anticipatory bail to the other co-accused persons, is of no help to the petitioner inasmuch as firstly the said order dated 26.04.2022 was passed without considering muchless going through the materials available in the case diary and secondly the only ground on which the anticipatory bail petition was allowed, was the relationship of the petitioners of that case with the deceased, however, the aforesaid facts of the present case would show that the relationship of the accused persons with the deceased of the present case, in the given facts and circumstances of the present case, is not a decisive factor for granting bail to the accused persons.

(Mohit Kumar Shah, J)

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