

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32425 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- ANDHRAMATH District- Madhubani

SIYA RAM YADAV, Son Of Suraj Yadav R/O- Village- Andhramath P.S.-
Andhramath, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv Mr. Hriday Narayan Harshit, Adv
For the State	:	Mr. Raj Kishore Singh, APP
For the Informant	:	Mr. Jitendra Kumar Bharti, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

10 09-02-2023 Heard learned senior counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Andhramath P.S. Case No. 48 of 2021 registered under Section 302 of the Indian Penal Code.

As per allegation, the informant's daughter has been taken away by the instant petitioner. It has emerged that he was paramour of the daughter of the informant. The informant's daughter's dead body has been recovered the next day. Death was found to be due to injury caused by sharp cutting weapon inflicted on the throat.



Learned senior counsel for the petitioner submits that there is no direct evidence against the petitioner. Even as per prosecution case, the victim has gone on her own volition and the father also has not come in the way of her departure with the instant petitioner, with whom she was having intimacy since before. The submission is other than last seen with the instant petitioner, there is no material, whatsoever, to connect the petitioner with alleged occurrence. It is submitted that petitioner is in custody since 30.01.2022 and investigation is complete.

Learned APP has assisted the Court with reference to the case diary. It is submitted that the victim had in fact gone with the instant petitioner in the night to be found dead in the next morning. The death is unnatural on account of injury inflicted by sharp cutting weapon and the FIR has been lodged by the father of the informant against the petitioner. There is also material in the case diary to suggest some motive arising out of recent purchase of land by the victim.

Considering the rival submissions, period of custody and the material available on record, this Court, for the present, is not inclined to allow the prayer for bail. The same is rejected.

The application for bail is thus dismissed.

(Madhuresh Prasad, J)

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