

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33503 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- KHUSRUPUR District- Patna

AWADHESH YADAV Son of Late Laxmi Narayan Singh Resident of Village
- Hardas Bigha, P.S.- Khushrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranvijay Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner apprehends his arrest in connection with
Khushrupur P.S. Case No.273 of 2021 instituted under Sections
302,34 of the Indian Penal Code.

As per the allegation in the FIR, the informant (father of
the deceased) alleged that in the year 2004, the marriage was
solemnized with the petitioner herein and the couple were blessed
with two sons namely Shivam Raj and Tejashavi Raj. However, she
was regularly tortured and on the fateful day, the allegation is that
when the sons went to school and his daughter Sangeeta Devi was
alone, she was strangulated and thereafter the accused persons fled
away from the house. When the elder son Shivam Raj returned from
school, he gave this information to the informant.

Later on, when the informant reached the in-laws house,
none of the accused persons were present and the dead body was



lying. Subsequently, it was the informant who took steps and accordingly, the postmortem was conducted and the mortal remains were consigned to flame.

Learned counsel for the petitioner submits that at the time of the death of his wife, he was not present in the house and further the informant out of frustration on the death of his daughter has lodged this false case. The last submission is that similar placed co-accused Ajay Yadav @ Ram Ajay Kumar has been granted the said relief. Further submission is that there is no specific allegation against the petitioner.

Learned APP Mr. Jitendra Kumar Singh on the other hand submits that the petitioner being the husband of the deceased, he cannot be put on the same pedestal as that of Ajay Yadav who is brother-in-law.

The petitioner-husband who solemnized marriage with the deceased Sangeeta Devi in 2004 cannot escape his responsibility for the alleged death of his wife. Even the subsequent conduct as per the FIR wherein the informant has stated/alleged that when he reached his daughter's inlaws house, none of the accused persons were present there and he took steps which led to the postmortem of the lady and subsequent her funeral points finger towards the petitioner.

It is not the case of the petitioner that even though, he was out (at the time of death of his wife), after the knowledge of the death of his wife, he rushed and participated in the cremation.



So far the relief granted to Ajay Yadav @ Ajay Kumar is concerned, the coordinate Bench has clearly recorded that the petitioner is brother-in-law of the deceased having separate in mess and property with that of the deceased the reason.

Thus the order passed in Cr. Misc. No.6243 of 2022 (Ajay Yadav @ Ajay Kumar vs. The State of Bihar) dated 23.08.2022 cannot come to his rescue.

Taking into account all the aforesaid facts, this Court is not inclined to grant him any relief and the petition stands rejected.

If the petitioner surrenders within four weeks from today, the learned court shall take up the petition and disposed it of expeditiously without being prejudiced by any of the observation made in this petition.

(Rajiv Roy, J)

Prakash Narayan /
Ajay

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