

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59026 of 2022**

Arising Out of PS. Case No.-51 Year-2022 Thana- DHURAIYA District- Banka

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HEMANT YADAV SON OF SUDIN YADAV R/O VILLAGE- TAHARPUR,
P.S.- DHORAIYA, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 01-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection
with Dhoraiya P.S. Case No.51 of 2022 dated 06.02.2022
registered for the offences punishable under Sections 302, 201
and 120B of the Indian Penal Code.

3. As per the prosecution, the informant's
daughter was murdered by this petitioner with the help of others
and this petitioner had an illicit relationship, apart from his
present marriage, with his brother's wife (sister-in-law). Further
it is alleged that other accused persons caught hold the deceased
and this petitioner inflicted a blow at her neck by means of
Gandasa, thereafter all the accused persons wrapped the victim's
dead body in a jute bag and threw it on the bank of nearby river,
from where the victim's dead body was recovered and identified
by the informant as her daughter.



4. The main submissions advanced by the learned counsel for the petitioner are that the brother of the petitioner is having separate kitchen and residence in the house and they have also separate ingress and outgress of their residential part and the allegation made against him is general and omnibus and co-accused person namely Anuj Yadav, who is brother-in-law of the deceased, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 35710 of 2022 and the petitioner has been languishing in jail since 09.02.2022.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides and perused the FIR of this case. As per the allegation made in the FIR, this petitioner developed illicit relationship with the wife of his brother which was objected by the deceased and owing to that resistance the deceased was subjected to torture and eventually she was killed by the accused persons in which the petitioner was alleged to be the main assailant and when the brother of this petitioner came to know about the said illicit relationship between this petitioner and his own wife then instead of making objection he supported the alleged illicit relationship and as per the allegation the



deceased was badly assaulted by the accused persons including the petitioner by means of *Gandasa* and after her death this petitioner disposed of her body near the *Gadha* (pit) river which was recovered during the investigation and in respect of the allegation appearing against the petitioner, the statement of *Mukhiya* of the petitioner's village is relevant and she has supported the allegations made in the FIR and the statements of other witnesses are also relevant to the allegation made against the petitioner. Considering the seriousness of the allegation appearing against the petitioner, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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