

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60096 of 2022

Arising Out of PS. Case No.-347 Year-2021 Thana- KATORIYA District- Banka

1. BINO YADAV, Son of Late Doman Yadav, R/V- Kagisar, P.S- Katoria, Dist- Banka
2. Rabri Devi, Wife of Bino Yadav, R/V- Kagisar, P.S- Katoria, Dist- Banka
3. Nikesh Yadav, Son of Bino Yadav, R/V- Kagisar, P.S- Katoria, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 06-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the informant got her daughter married with the petitioner Nikesh Yadav as Hindu rites and customs about five years back and she gave a birth to a female child out of their wedlock. The petitioner Nikesh Yadav does



work as labourer in Kolkata. On 04.12.2021, in the night, it is further alleged that the daughter of the informant was abused and assaulted by the father-in-law Bino Yadav and the mother-in-law Rabri Devi. On 05.12.2021, the daughter of the informant and her daughter became traceless. On information, the informant along with family members went to in-laws house of his daughter and saw that the house was locked. Thereafter, on 08.12.2021, the informant got information that dead body of a lady and a child were lying in the *Pokhar*. The informant has identified the dead body. It is further alleged that the informant's daughter and his grand-daughter (*Natni*) were murdered by the petitioners.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. He has further submitted that the petitioner no. 1 and 2 are living separately with the deceased and they have no concern with her. The petitioner no. 3 Nikesh Yadav is accused in one more criminal case in which he is on bail whereas the petitioner no. 1 and 2 have got no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners by submitting that the marriage between the deceased and the co-accused Nikesh Yadav was



solemnized about five years back. Prior to the death of the deceased, she was abused and assaulted by the petitioner no. 1 Bino Yadav and the petitioner no. 2 Rabri Devi. It is further submitted that the opinion of the post-mortem report regarding cause of death was kept reserved and the investigation is going on. It is also further submitted that there is direct involvement of the petitioner no. 1 and 2 for committing murder of the informant's daughter and his grand-daughter (*Natni*). It is case of double murder.

Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioners, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioners to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail and the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

The application stands rejected.

(Chandra Prakash Singh, J)

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