

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33211 of 2024

Arising Out of PS. Case No.-564 Year-2023 Thana- MASAUDHI District- Patna

1. Shole Kumar @ Sanjay Kumar Son of Shindbe Yadav Resident of village - New Manichak, Police Station - Masaurhi, District - Patna.
2. Raju Yadav Son of Late Bhuneshwar Yadav Resident of village - New Manichak, Police Station - Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. Arun Kumar Pandey, A.P.P.
For the Informant	:	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 21-09-2024 Heard Mr. Anil Kumar Singh, the learned Counsel for the petitioners, Mr. Mritunjay Kumar, learned Counsel for the informant and Mr. Arun Kumar Pandey, the learned Additional Public Prosecutor for the State.

2. Petitioners seek regular bail who are in custody since 16.08.2023, in connection with Masaurhi P.S. Case No. 564 of 2023, FIR dated 10.08.2023, registered for the offences punishable under Sections 302, 120(B), 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant alleges that marriage of his sister Rekha Devi was solemnized with Ramu Kumar @ Ramu Yadav in year 2009 and after



marriage, her husband and in-laws started demanding dowry of Rs. 01 Lakh and for that she was being committed cruelty by them and for this, his sister instituted Masaurhi P.S. Case No.420/2022 U/s 498A/341/323/379/504/506/34 of IPC in which husband of his sister was went to Jail. It is further alleged that husband of his sister was having illicit relationship with another woman and for this reason, he also used to commit *marpit* with her (now deceased). It is further alleged that his sister's husband wanted to sale house in which his sister was residing but his sister did not become ready for sale and without her signature, sale of aforesaid property was not possible and for this reason on 03.08.2023, all the FIR named accused persons including petitioners caused death to his sister and for destruction of evidence, they threw her dead body on the railway line. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have been falsely implicated in the present case merely on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. The petitioner no. 1 is a villager and petitioner no. 2 is brother-in-law of the deceased.



5. Learned Counsel for the petitioners further submits that the husband of the deceased, namely, Ramu Kumar @ Ramu Yadav has been granted anticipatory bail vide order dated 19.09.2024 in Cr. Misc. No. 51455 of 2024.

6. Learned Counsel for the informant submits that the perusal of the order dated 19.09.2024, it appears that anticipatory bail has been granted till the filing of the charge-sheet.

7. The learned Additional Public Prosecutor for the State and informant, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners have carried dead body of the deceased which has seen in the C.C.Tv footage as mentioned in the paragraph-71 of the case diary and apart from that the petitioners have confessed their guilt which was recorded in paragraph-52 of the case diary.

8. Vide order dated 26.07.2024, a report was called for regarding the stage of the trial.

9. Vide report dated 06.08.2024, it reveals that the trial is going on and out of six charge-sheet witnesses, two witnesses have already been examined.

10. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with



Masaurhi P.S. Case No. 564 of 2023 pending in the court of
learned Additional Chief Judicial Magistrate, Masaurhi, Patna.

11. However, the learned trial Court is directed to
expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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