

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45212 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- PHULPARAS District- Madhubani

Pradeep Sahu @ Pradeep Kumar S/o Singheshwar Sahu RESIDENT OF
VILLAGE RATAULI, P.S. PHULPARAS, DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kejriwal, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 13-11-2024 Heard Mr. Gautam Kejriwal, learned counsel for the
petitioner, the State and the informant.

2. The petitioner is in judicial custody in connection with Phulparas P.S. Case No. 167 of 2023 for the offence punishable under Sections 302 & 201 of the Indian Penal Code lodged on 22.03.2023 by the informant, Ramesh Kumar Paswan.

3. The prosecution story read as follows:

(i) on 22.03.2009, when the Informant was patrolling, received secret information that a beheaded body of a lady and a child had been thrown near Bharauli River Bank;

(ii) when the Informant reached Bharauli River Bank, he found the beheaded body of a lady aged about 35 years and a child aged about 10 years were lying there. The Informant



immediately informed the Police In-charge of Phulparas Police Station upon which police force reached the place;

(iii) however, despite search the Informant/Police force failed to locate the heads of the women and the child. Thereafter, the bodies were sent to Sadar Hospital, Madhubani for Post Mortem;

(iv) based on the aforesaid statement of the Informant, the 'Choukidar' of Phulparas Police Station, the Phulparas P.S. Case No. 167/2023 dated 22.03.2023 was lodged against unknown for alleged murder of unknown persons under Section 302 and 201 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that he being a married person having no relationship with the lady/child and as such had no reason to execute the heinous murder. It is only due to enmity/local politics that he/family members have been implicated and considering all these facts, some of them, including Bipin Sah who is also one of the prime accused has/have been granted bail by a coordinate bench (Hon'ble Mr. Justice Sunil Kumar Panwar, as his Lordships then was) in Cr. Misc. No. 71546 of 2023 (Annexure-P/2).

5. In this case, the coordinate bench had called for the case diary which is now on record.



6. Both the informant as also learned APP took this Court to the confessional statement of Bipin Sah recorded in para-98 of the case diary in which he narrated that this petitioner was having relationship with the deceased, resented by the family and as such after conspiring, he alongwith Rajnath Sahni and the petitioner ensured her killing as also that of her child by sword and thereafter, removing her head, taking it on a tractor was thrown in the river.

7. Learned counsel for the informant has shown the seizure list which is also part of the case diary with the submission that pursuant to the statement made by the Bipin Sah, the sword was recovered/seized by the Police from behind his house.

8. Last submission of learned counsel for the informant is that though Bipin Sah managed to get relief, the other accused Raj Narayan Sahu @ Raj Narayan Sah has been denied bail by the coordinate bench in Cr. Misc. No. 65579 of 2023 vide an order dated 09.01.2024.

9. Let the same be kept on record.

10. The facts/submissions have been incorporated, the role of the petitioner as also the reason behind the killing is on record. There is confessional statement of Bipin Sah and on his



confession, the sword has also been recovered/seized. Bipin Sah, Raj Narayan Sah as also this petitioner who had relationship with the deceased lady ensured the killing/removing of the head and in the process, killed an innocent child who was about to bloom and who otherwise would have seen decades had the accused persons not killed her.

11. In that background, no relief can be granted to the petitioner, the bail application stands rejected.

12. It is expected from the Trial Court that considering the nature of the crime, as two innocent lives have been taken away, the trial will be expedited.

(Rajiv Roy, J)

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