

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45196 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- KHUSRUPUR District- Patna

Ashiq Kumar @ Ghamandi Kumar @ Pankaj Kumar S/o Budhan Mahto R/o
Village-Harddas Bigha, Bind Toli, Police Station Khusrupur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45371 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- KHUSRUPUR District- Patna

Fula Devi @ Phula Devi Wife of Munni Lal Mahto @ Jhapsi Mahto Resident
of Vill- Harddasbigha, Bindtoli, P.S.- Khusharupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 45196 of 2024)
For the Petitioner/s : Mr.Ashok Kumar, Adv.
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP
(In CRIMINAL MISCELLANEOUS No. 45371 of 2024)
For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv.
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-09-2024 Since both the aforesaid bail petitions arise out of

same PS case no. i.e., Khusrupur PS Case no. 64 of 2024, they

have been heard together and are being disposed of by a

common order.

2. The petitioners are in judicial custody in connection

with Khusrupur PS Case no. 64 of 2024 for the offences



punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code lodged on 18.02.2024 by the informant, Arvind Kumar.

3. As per the FIR, the police who is the Station House Officer, Khusrupur, Patna alleged that in the night, he got confidential information that the accused persons along with other unknown have killed a lady (Bhukhiya Devi) and a man by drowning them into the river. On such information, the police raided the place and picked up the petitioner, Ashiq Kumar @ Ghamandi Kumar @ Pankaj Kumar. Upon search from his pocket, a mobile was found containing a video recording which clearly shows that a female and a male were tied in rope, beaten. As the said video was sent to one Nand Kumar's mobile, he was also picked up and then Nand Kumar gave the statement that the lady was having illicit relationship with the unknown and when they were found in objectionable position, on the alarm raised by Sobia Devi, Munni Lal Mahto, Fula Devi (petitioner of Cr. Misc. No. 45371 of 2024), Jagdish Mahto, Raj Kumari Devi, Samil Kumar, Mukesh Kumar, Horil Mahto, Raj Kumar, Chandeshwar Mahto, Somar Mahto, wife of Mukesh Mahto, Ashok Mahto, Pragya Mahto, Jaddu Mahto, Sikandar Mahto, Ramtahal Mahto, Dilip Mahto along with 10-15 persons were



present who took unanimous decision to assault and later dragged them to river Ganga and after taking them on a boat, they were thrown to drown in the river. This led to the FIR.

4. Learned counsels for the petitioners in both the cases submit that the dead bodies have not been recovered and as such, it cannot be said that actual assault/killing took place.

5. Learned APP, on the other hand, objects to it and submits that the case diary clearly show that not only the police got information, picked up the petitioner, Ashiq Kumar @ Ghamandi Kumar @ Pankaj Kumar, a video recording has been found in his mobile which gave light to the entire occurrence showing that both the lady as also the person concerned with whom she was found in an objectionable position were beaten, taken to the river.

6. In view of the fact that the dead body could not be recovered, the letter no. 219 dated 04.09.2024 has been sent by the Judicial Magistrate 1st Class, Patna City to the Court stating therein that no postmortem report is available, the allegation is heinous, even going by the facts of the case, two adults with consent had physical relationship, all these accused persons who claimed themselves to be the so-called upholder of the values of the society came forward and ensured that the two innocent



people lose their respective lives. Charge-sheet has been submitted and it is expected that in such cases trial moves on a right track at an earliest.

7. Accordingly, both the aforesaid petitions for bail stand dismissed.

(Rajiv Roy, J)

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