

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54552 of 2024

Arising Out of PS. Case No.-335 Year-2022 Thana- MAHISHI District- Saharsa

Mulayam Yadav @ Mulayam Kumar Yadav Son Of Dev Narayan Yadav
Village- Pachbhinda, Ward No. 4,Ps- Mahishi, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mahishi P.S. Case No. 335 of 2022 dated 24.11.2022, instituted for the offence punishable under Sections 302, 120(B), 34 of the Indian Penal Code and ³/₄ of the D.P. Act.

3. The prosecution case, in brief, is that on 24.11.2022, the informant got information that his niece namely, Laxmi Devi (deceased) was being assaulted by her in-laws namely, Mulayam Yadav (petitioner), Dev Narayan Yadav, Jeebachchi Devi, Pradeep Yadav, Manju Devi. Thereafter, the informant and Raj Kumar Yadav came to save her niece and on seeing them, the accused persons fled away from the place of occurrence. Meanwhile, the informant along with one Raj



Kumar Yadav entered the house of her niece and found that his niece had been killed. Police was informed and his niece's dead body was brought for autopsy by police. The reason behind the alleged occurrence is that the accused persons had lured the deceased to take loan for them. On 22.11.2022, the agent who provided them loan came and asked for payment of installment. His son-in-law and other accused persons pressurized her niece to bring money from her parents and due to non-fulfillment of demand of dowry on the pretext of payment of installment of loan, accused persons killed his niece, Laxmi Devi.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that during investigation, the investigating officer recorded statement of brother of the deceased namely, Rahul Mukhiya, who stated in his statement that petitioner had told him about the death of her sister on phone and further stated that her sister had taken loan not only in her name but also in the name of her mother, bhabhi and neighbour and used to pay installment on her own due to which some quarrel took place between her and her in-laws family member. It is further stated that a witness namely, Chano Devi in paragraph 27 of the case diary has stated that the deceased



was Center leader of Bharat Financial Inclusion Limited. Learned counsel further submits that due to financial burden, the deceased committed suicide. Petitioner has no role in the said occurrence. It is further submitted that the petitioner and his wife had solemnized their love marriage about 10 years ago without the permission of their parents and blessed with three children whose responsibility is also on the petitioner. Lastly, it has been submitted that the petitioner is in custody since 10.04.2023 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-I, Saharsa in Mahishi P.S. Case No. 335 of 2022.

(Khatim Reza, J)

Sankalp/-

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