

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64520 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- VIJAYEPUR District- Gopalganj

1. Vipin Yadav S/o Vishwakarma Yadav Resident of village- Bilarua, PS - Vijyipur, Distt. - Gopalganj
2. Adarsh Yadav S/o Vishwakarma Yadav Resident of village- Bilarua, PS - Vijyipur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yashraj Bardhan, Advocate
For the Opposite Party/s	:	Mr.Aditya Narayan Singh.1, APP
For the informant	:	Mr. Sanjay Kr. Chaubey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-12-2024 Heard Mr. Yashraj Bardhan, learned counsel for the petitioner and Mr. Sanjay Kumar Chaubey (who has appeared through Video Conferencing), representing the informant.

2. The petitioners are in judicial custody in connection with Vijayipur P.S. Case No. 101 of 2024 for the offence punishable under Sections 307, 302, 201/34 of the Indian Penal Code lodged on 16.05.2024 by the informant, Wishwakarma Yadav.

3. It can be clubbed in the category of unfortunate case where the informant has lodged the FIR alleging killing of his daughter and now his two sons have been made accused who are presently before this Court for release from the judicial



custody having been found to be the main assailants of the said killing of their sister besides seriously injuring Nitish Yadav with whom she was in relationship.

4. The case of the petitioners is that they are going to get maternal property which is resented by the agnates from maternal side and under conspiracy, while their sister has been killed, they have been sent to jail for her killing. There is no eye-witness to the occurrence and both the petitioners are young boys.

5. Learned counsel appearing on behalf of the informant on the other hand submits that the father himself is the informant and it is the case of honour killing. The girl is alleged to have been found in a compromising position with Nitish Yadav by the accused. In rage, the two petitioners who are brothers, repeatedly gave knife blows both to the sister as also Nitish Yadav. In the said attack, the towel which they had put around their faces to cover themselves, got opened and Nitish Yadav, could see the petitioner No.2 Adarsh Yadav as also hear the voice of petitioner no.1, Vipin Yadav.

6. It is his further submission that Nitish Yadav was shifted to Gorakhpur, was unable to speak for some time but in writing gave the name of these two petitioners to be the



assailants. He submits that now he is undergoing treatment at Chennai and soon will made himself available to the Police to record his statement in person.

7. An innocent girl has left this World because the two brothers resented her relationship with the boy she loved who is fighting for life. Father is the informant and it cannot be said that he has implicated his own sons. The fact that he is opposing the bail of his two sons through the lawyer speaks volume about the accusation against them.

8. Allegation is against both of them and it is the case of killing of an innocent girl and causing serious injury to another one, in that background, no relief can be extended to the petitioners.

9. The bail application stands rejected.

(Rajiv Roy, J)

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