

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68897 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- SHAHKUND District- Bhagalpur

1. Rajeev Yadav @ Sanjeev Kumar Yadav S/O Bhola Yadav R/O Village-Dindayalpur, P.S- Shahkund, Distt.- Bhagalpur.
2. Khusbu Devi @ Khusbu Kumari W/O Rajeev Yadav @ Sanjeev Kumar Yadav R/O Village- Dindayalpur, P.S- Shahkund, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-12-2024 Heard Mr. Vikram Singh, learned counsel for the petitioners and Mr. Jharkhandi Upadhyaya, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Shahkund P.S. Case No. 83/ 2024 dated 11.04.2024 registered for the offence(s) punishable under Section(s) 341, 323, 504, 506, 302, 120B read with section 34 of the IPC.

3. As per prosecution story, the informant's daughter was married with the petitioner No.1 16 years ago and 8 years ago he solemnized a 2nd marriage with petitioner No. 2 and thereafter petitioner No.1 and 2 started torturing the daughter of informant. It is further alleged that on 11.04.2024 at about 10 AM the informant got an information on mobile phone that petitioner Nos.1 and 2 were abusing her daughter (deceased) and trying to kill her and on such information when she along with her other family members reached at the petitioners' house,



she found that her daughter had been killed by the petitioners by smothering.

4. The main submissions advanced by learned counsel for the petitioners are that petitioner No.2 is a lady and as per prosecution story narrated in the FIR, the victim herself informed the informant through mobile phone about being tortured by the petitioners on 11.04.2024 at 10 AM but in the course of investigation till date no details of the mobile No. which was used by the victim in communicating the informant about the misbehaviour of the petitioners have been given, the marriage of the petitioner No.1 with the deceased took place 16 years ago and in a compelling situation the petitioner No.1 started keeping petitioner No.2 as a mistress but the petitioner No.1 had made necessary arrangements for his deceased wife by building a separate house for her situated at some distance from the petitioners' present dwelling place. It is further submitted that there are three children of the petitioner No.1 from his deceased wife and they are the best persons to reveal the behaviour of the petitioner No.1 with the deceased but none of them have been examined by the I.O.

5. On the contrary, learned APP appearing for the State has vehemently opposed the bail prayer of the petitioners and referred to paragraph Nos. 39 and 40 of case diary containing the statements of the co-villagers of the petitioner No.1 and according to him the said witnesses have fully supported the allegation against the petitioners. Learned APP has further submitted that as per post mortem report cause of the death of the deceased has been mentioned as asphyxia and shock due to smothering and nasal cartilage of the victim was also found fractured.



6. Considering the seriousness of allegation appearing against both the petitioners and mainly the medical evidence appearing from the post mortem report of the deceased which shows that on the body of the deceased multiple bruises were found along with the fracture of nasal cartilage and cause of death has been opined to be smothering and further, as per the statements of the independent witnesses referred above both the petitioners used to torture the deceased and the case is still under investigation, in my opinion, it is not a fit case for grant of anticipatory bail to the petitioners. Accordingly, their prayer stands rejected.

(Shailendra Singh, J)

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