

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71770 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- MADHEPUR District- Madhubani

Bholan Mukhiya Son of Late Bauku Mukhiya Resident of Village- Bhakhrain,
P.S.- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Madhepur P.S. Case no. 161 of 2023 registered under sections 302, 201 and 120B of the Indian Penal Code.

3. As per the prosecution case, the informant states that he received information about the daughter of the petitioner having been done to death. The informant states that on serious interrogation, the co-accused Tara Devi disclosed that she had taken her daughter to the doctor on her complaining about stomach ache but on further investigation, it transpired that the petitioner along with his family members named in the F.I.R. had killed her and disposed of her body. It is further stated that the cause of occurrence was the affair of the petitioner's daughter with one Rajesh Mukhiya.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case on the basis of an alleged confessional statement of his wife made before police leading to no recovery instead only on the ground that the petitioner's daughter was having an affair. No incriminating material has transpired in course of investigation to connect the petitioner with the alleged crime. Even the so called search/raid conducted pursuant to the statement of co-accused Tara Devi has not led to recovery of any article which may implicate the petitioner or his wife. Tara Devi, the petitioner's wife has been enlarged on bail vide order dated 16.4.2024 passed in Cr. Misc. no.2444 of 2024. The petitioner is in custody since 6.5.2024 and has no criminal antecedent. He undertakes to cooperate in the case.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. and the nature of material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Taking into consideration the facts and



circumstances of the case and grant of bail to co-accused Tara
Devi ie the wife of the petitioner herein, liberty is granted to the
petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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