

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69263 of 2023

Arising Out of PS. Case No.-834 Year-2022 Thana- MADHEPURA District- Madhepura

Madhu Kumar @ Madhu Yadav @ Madhaw S/O Raben Yadav @ Rabin
Yadav @ Ramendra Yadav Village- Birahania (BIRNIYA), Ward No. 12, Ps.
And Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

Mr. Suraj Kumar, Advocate

For the State : Mr. Veena Kumari Jaiswal, APP

For the Informant : Mr. Alok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

10 23-08-2024 Heard learned counsel for the petitioner as well as

learned counsel appearing on behalf of the informant and

learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Madhepura P.S. Case No. 834 of 2022, registered on 02.09.2022 for the alleged offences under Sections 364, 365, 120B of the Indian Penal Code. However, after completion of investigation police submitted charge sheet for the offences under Sections 304B, 201, 120B of the Indian Penal Code.

3. As per prosecution case, the petitioner was married



with the daughter of the informant. The allegation against the petitioner is that he used to demand Rs. Two lakhs for purchase of tractor and due to non-fulfillment of this demand, the daughter of the informant was made to disappear by the petitioner and his family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The daughter of the informant gave birth to a girl child, who died, and the daughter of the informant went under depression. Her condition deteriorated and she died in course of her treatment. The family members of the deceased joined in the last rights. But due to greed of money they have filed this false case. These facts have been brought on record through supplementary affidavit along with papers for treatment of the deceased. This fact is also apparent from the alleged confessional statement of the petitioner wherein it has been mentioned that the deceased fell ill and died though she was taken to the village doctors for treatment. Learned counsel further submits that co-accused Lalmuni Devi has been granted anticipatory bail by this Court vide order dated 20.12.2023 passed in Cr. Misc. No. 65894 of 2023 and another co-accused Raben Yadav has been granted regular bail by a Co-ordinate Bench vide order dated



04.07.2023 passed in Cr. Misc. No. 36617 of 2023. The petitioner is in custody since 14.02.2023.

5. Learned APP as well as learned counsel appearing on behalf of the petitioner vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant that the petitioner has been taking varying defence. Initially, the petitioner took the stand that his wife left her matrimonial house in depression and he was not knowing about her where about. However, by filing supplementary affidavit entirely new stand has been taken that the daughter of the informant died due to illness. Learned counsel further submits that initially the case was instituted under Sections 364, 365, 120B of the Indian Penal Code but subsequently, Section 304B IPC has been incorporated. Learned counsel for the informant further submits that the petitioner is accused in another case under Sections 302/201 of the Indian Penal Code.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the death or disappearance of the daughter of the informant took place in the house of the petitioner within seven years of marriage, I am not inclined to enlarge the petitioner on bail and hence, the prayer for bail is rejected.



7. However, learned trial court is directed to expedite
the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

