

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10696 of 2025

Arising Out of PS. Case No.-1299 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Akhilesh Kushwaha @ Akhilesh Kumar, aged about 25 years, Male, Son of Sheetal Bhagat, Resident of village- Puraina, P.S.- Dumaria, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 1299 of 2024 instituted for the offences punishable under Sections 103(1), 140(1) and 3(5) of the B.N.S.S.

3. As per the prosecution case, the daughter of the informant was killed by the FIR named accused persons including the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to village enmity and complicity with the police. He submits that from perusal of the FIR, it would appear that the informant is not the eye witness of



the alleged occurrence. He further submits that the witnesses examined during investigation are also not an eye witnesses of the alleged occurrence. He, lastly, submits that the deceased has not living with the petitioner and there is no document of marriage has been brought before this Court. Petitioner has got one criminal antecedent as stated in para 3 of the petition and he is in custody since 27.09.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR, postmortem report and also perused the impugned order dated 24.01.2025 passed by the learned Additional Sessions Judge-1st, Muzaffarpur, it appears that on the basis of written report of the informant namely Lalita Devi, FIR has been lodged under Sections 103(1), 140(1) and 3(5) of the B.N.S.S. against three accused persons including the present petitioner. It also appears that the deceased was a wayward lady and her marriage with the petitioner was fifth time and the petitioner has no concern with the murder of his wife rather the petitioner went to his native place prior to two days of the alleged occurrence as mentioned in the impugned order. From perusal of the entire records, it is also evident that the marriage of informant's daughter was solemnized to one Chandeshwar Sah, before nine years ago and



from the said wedlock, she was blessed with two children but six months after, Akhilesh Kushwaha (petitioner) enticed away Puja Devi along with her two children, for which, the case was filed in Dumariya Ghat police station. It is further alleged that the deceased (Puja Devi) started living with one Akhilesh Kushwaha (petitioner) along with her two children at Muzaffarpur but Akhilesh Kushwaha was not ready to keep her two children, due to which, he used to assault and threat Puja Devi (deceased). On 19.09.2024, the informant got an information by the Sarpanch that Puja Devi has been killed. On getting this information, informant along with others reached at the place of occurrence from where the dead body of Puja Kumari (deceased) was recovered. The allegation against the petitioner is of assaulting and threatening to the deceased and finally killed her.

7. From perusal of the case diary at paragraph nos. 7, 8, 9 and 10, the place of occurrence is the rented house owned by the brother of the petitioner and in para 11 of the case diary, it reveals that the petitioner living in the said house but at that time, the petitioner disappeared. The allegation against the petitioner is also supported by the witnesses in paras-13, 14, 15, 16 and 17 of the case diary. In para 44 of the case diary, the



statement of the deceased Puja Devi has been recorded under Section 183 of the B.N.S.S. in another case and she has also admitted before the learned Magistrate that she has married with the present petitioner and she wants to live with him.

8. From perusal of the postmortem report, it also appears that the deceased died due to Asphyxia as a result of ante-mortem pressure over neck and the injuries were caused by hard and blunt substance, so considering the facts and circumstances of the case, gravity of offence and involvement of the petitioner in the alleged murder, I am not inclined to grant bail to the petitioner.

9. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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