

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55621 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- KHUSRUPUR District- Patna

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Raj Kumari Devi @ Raj Kumari W/O Jagdish Mahto R/O Village- Hardas,
Bigha, P.S- Khusraupur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 17-02-2025 Heard Mr. Manoj Kumar Pandey, learned counsel for

the petitioner and Mr. Jitendra Kumar Singh, learned APP for

the State.

2. The petitioner is in judicial custody in connection
with Khusarupur P.S. Case No. 64 of 2024 registered for the
offence under Sections 302, 201, 120(B) and 34 of the Indian
Penal Code, lodged on 18.02.2024 by the informant Arvind
Kumar.

3. As per the FIR, the police who is the Station House
Officer, Khusrupur, Patna alleged that in the night, he got
confidential information that the accused persons along with
other unknown have killed a lady (Bhukhiya Devi) and a man
by drowning them into the river. On such information, the police
raided the place and picked a person namely Ashiq Kumar @
Ghamandi Kumar @ Pankaj Kumar. Upon search from his



pocket, a mobile was found containing a video recording which clearly shows that a female and a male were tied in rope, beaten. As the said video was sent to one Nand Kumar's mobile, he was also picked up and then Nand Kumar gave the statement that the lady was having illicit relationship with the unknown and when they were found in objectionable position, on the alarm raised by Sobia Devi, Munni Lal Mahto, Fula Devi, Jagdish Mahto, Raj Kumari Devi (the petitioner herein), Samil Kumar, Mukesh Kumar, Horil Mahto, Raj Kumar, Chandeshwar Mahto, Somar Mahto, wife of Mukesh Mahto, Ashok Mahto, Pragya Mahto, Jaddu Mahto, Sikandar Mahto, Ramtahal Mahto, Dilip Mahto along with 10-15 persons were present who took unanimous decision to assault and later dragged them to river Ganga and after taking them on a boat, they were thrown to drown in the river. This led to the FIR.

4. Learned counsel for the petitioner submits that the dead bodies have not been recovered and as such, it cannot be said that actual assault/killing took place. It is his further submission that she being lady, is in custody for almost one year.

5. Mr. Jitendra Kumar Singh, learned APP on the other hand objected and has taken this Court to the confessional



statement of the petitioner's own husband in which he has assigned role to both Fula Devi and this petitioner of having played an active role in tying up the lady whereafter, both of them were paraded and drowned till death in the river. Thereafter, they were taken on a boat and the dead bodies were thrown in the river itself.

6. Having heard the parties, from the case diary, it is not clear what steps the Police took to recover the dead bodies of two innocent persons and/or whether all the Police Station, enroute the river flows were alerted about it and/or, whether two unknown dead bodies have been recovered/seized by any Police Station or not.

7. Considering the allegation that has come against the petitioner and an active role has been assigned to her along with Fula Devi whose bail application already stands rejected in Cr. Misc. No. 45371 of 2024, this Court is not inclined to extend her the privilege of bail.

8. Accordingly, the bail application stands rejected.

9. As both Fula Devi and the petitioner are ladies and there is allegation of killing of two innocent persons by the villagers to save their pride as they found two persons who were not criminals and at best were consenting adults found in



compromising position and ensured their death, it is expected from the learned Trial Court to see to it that the trial is concluded in next nine months.

10. The Senior Superintendent of Police, Patna is also required to take serious steps in the matter inasmuch as:

- i) shall ensure that all the prosecution witnesses are produced before the learned Trial Court so that the trial is taken to its logical conclusion in next nine months time as stipulated;*
- ii) he should instruct/call for report from all the Police Stations within his jurisdiction as also the neighbouring district to ascertain whether they recovered/seized dead bodies of male/female after the date of occurrence or not.*

11. The Senior Superintendent of Police, Patna shall be submitting a report on the point no. (ii) before the Court on 21.03.2025 when the matter shall be taken up under the heading 'To Be Mentioned'.

12. Let a copy of the order sent to the learned Trial Court as also the Senior Superintendent of Police, Patna for their perusal and needful immediately.

(Rajiv Roy, J)

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