

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68380 of 2024

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

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Jagdish Mahto S/o- Jhapasi Mahto Village- Hardasbigha, Bind Toli, P.S.-
Khusrupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-01-2025 Heard Mr. Harish Kumar, learned counsel for the

petitioner and the State.

2. The petitioner is in judicial custody in connection with Khusrupur PS Case no. 64 of 2024 for the offences punishable under Sections 302, 201, 120(B)/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 up the petitioner, 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 (petitioner of Cr. Misc. No. 45371 of 2024), Jagdish Mahto, Raj Kumari Devi, 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 though Ashiq Kumar and Fula Devi were denied bail in Cr. Misc. No. 45196 of 2024 and Cr. Misc. No. 45371 of 2024 respectively, one Nand Kumar has been extended relief in Cr. Misc. No. 46768 of 2024.

5. Learned APP opposes the prayer submitting that the case of this petitioner (Jagdish Mahto) and Ashiq Kumar and



Fula Devi are on same footing and Nand Kumar was extended relief only because his name came in the confessional statement of this petitioner.

6. Having heard the parties, the submission of the learned APP is justified, the petitioner cannot equate himself with Nand Kumar and is on the same footing with Ashiq Kumar and Fula Devi, the fact remains that when Ashiq Kumar was picked up, in the video recording, the entire video of the lady and the person concerned in objectionable position were taken earlier beaten and later taken and towards the river. The body could not be recovered and in that background, there is no post mortem report either.

7. Two consenting adults having physical relationship in a secluded place, these so called upholders of moral value of the society themselves became the Police and take the judicial role by taking them up, deciding their fate and immediately executing the same. In that background, no relief can be granted, rejected.

(Rajiv Roy, J)

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