

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73036 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- GOPALPUR District- Gopalganj

Guddu Yadav @ Guddu Kr. Yadav Son of Daya Nand Yadav Resident of
Village- Tola Sipaya, P.S.- Bishambharpur, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Gopalpur P.S. Case No. 95 of 2024 Instituted for the offence under Sections 302, 376, 201 of the Indian Penal Code.

3. The case of the prosecution is that on 26.04.2024 at 8:00 pm, the informant had meal with his family and then went to sleep. At early morning, at 5:30 am, he found that his daughter Pinky Kumari, aged about 18, was not there. They started searching Pinky Kumari. He came to know that the dead body of Pinky Kumari was lying in the orchard of Vidya Sagar Singh. They found that body of Pinky Kumari was having stab wound.

4. It is submitted by learned counsel for the petitioner



that petitioner is innocent and has committed no offence. He has been falsely implicated in the present case. The petitioner is not named in the F.I.R. and the F.I.R. was lodged against unknown. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 01.05.2024. Learned counsel for the petitioner has submitted that the occurrence was sudden and that there was no premeditation of the mind.

5. Learned APP for the State vehemently opposed the prayer of the petitioner and submitted that during course of the investigation, in para 11 of the diary, one witness has stated that marriage of Pinky Kumari was fixed with the petitioner and that petitioner has given her a mobile. The petitioner was having doubt that Pinky Kumari was on talking terms with somebody else. It has also been submitted that he has threatened Pinky Kumari of dire consequences. This statement along with the confessional statement of the petitioner goes to show that it is the admitted fact that marriage of Pinky Kumari was fixed with the petitioner. On the date of occurrence, he called and told her to establish physical relationship with him to which she denied. It further has been stated by the petitioner in his confessional statement that after that he fully established physical



relationship and during the relationship, she uttered certain words due to which he got furious and stabbed her with a knife. It is also pertinent to note here that on the identification of this petitioner, the knife was recovered. So, this part of the confessional statement is relevant and admissible. Petitioner has gone to meet her fiancé and he was carrying a knife, it shows that there was nexus in the statement of the witness recorded in diary to the effect that he was threatening Pinky Kumari with the consequences, otherwise one will not carry a knife while going to meet his fiancé. From the perusal of postmortem report also, it is clear that the deceased has received a stab wound over the left side of the mid neck.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for regular bail stands rejected.

7. However, petitioner will be at liberty to renew his prayer for bail after six months, if so advised, if the trial is not concluded within that period.

(Ashok Kumar Pandey, J)

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