

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79286 of 2024

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

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Ashiq Kumar @ Ghamandi Kumar @ Pankaj Kumar son of Budhan Mahto
Resident of village- Hardas Bigha, Bind Toli, Police Station- Khusrupur,
District Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-02-2025 Heard the parties.

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. Earlier the bail of the petitioner was rejected in Cr. Misc. No. 45196 of 2024 on 18.09.2024 and without waiting for the cooling off period, once again the present petition.

4. 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, 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.

5. 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.

6. Learned APP, on the other hand, objects to it and submits that the case diary clearly show that not only the police got information, picked up the petitioner, Ashiq Kumar @ Ghamandi Kumar @ Pankaj Kumar, a video recording has been found in his mobile which gave light to the entire occurrence



showing that both the lady as also the person concerned with whom she was found in an objectionable position were beaten, taken to the river.

7. As the dead bodies could not be found, no postmortem report is available. The allegation is however, heinous, even going by the facts of the case, two adults with consent had physical relationship, all these accused persons who claimed themselves to be the so-called upholder of the values of the society came forward and ensured that they lose their respective lives. Charge-sheet has been submitted and it is expected that in such cases, trial moves on a right track at an earliest.

8. The bail application stands dismissed.

9. Considering the seriousness of the case, the Trial Court is requested to conclude the trial within a year.

(Rajiv Roy, J)

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