

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26942 of 2015

Arising Out of PS.Case No. -97 Year- 2015 Thana -MEERGANJ District- GOPALGANJ

Shiv Nath Sah, Son of Late Banka Sah, Resident of Village- Kushiya
Chapar, P.S. Mirganj, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 13-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody in connection with Mirganj
P.S. Case No. 97 of 2015 registered for the offences punishable
under Sections 366, 366A/34 of the Indian Penal Code. Later on
Section 302 of the Indian Penal Code and Section 3(i)(xi) of the
SC/ST Act was added.

The petitioner gave written application before the
Officer-in-charge of Mirganj Police Station that his daughter
Sanam Kumari aged about 14 years has been taken away by Ajit
Sah, Piyush Bhagat and Vidyawati Devi with an intention to marry
with her but during investigation Vidyawati Devi disclosed in
defence that one Bablu Kumar has disclosed that the petitioner

called Bablu Kumar to dispose of the dead body and the petitioner has killed his daughter himself and after opening her under garment threw the dead body and lodged false case. The statement of Bablu Kumar has also been recorded under Section 164 Cr.P.C. and further the petitioner has confessed his guilt also.

Submission is of false implication and that the confession of co-accused Bablu Kumar and of the petitioner have got no evidentiary value in the eye of law. No one has seen the petitioner committing the crime or assaulting his daughter. The wife of the petitioner has supported the First Information Report vide paragraph 11 of the case diary. Only on the hearsay statement and suspicion, the petitioner has been chargesheeted along with that Bablu Kumar and others resulting the petitioner is suffering in custody since 25.04.2015.

The learned A.P.P. opposes the prayer of bail by submitting that for the occurrence in the night of 06.04.2015, the petitioner gave written application on 07.04.2015 at 2.15 P.M. and this is a case of honour killing. Some of the witnesses, during investigation have stated that the deceased has developed illicit relationship with some boys of the village and due to that the petitioner killed her.

In the facts and circumstances as stated above,

considering that there is no direct evidence against the petitioner and his name has transpired in the confessional statement of Bablu Kumar and his mother Vidyawati Devi and as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No. 97 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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