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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4323 of 2016

Arising Out of PS.Case No. -283 Year- 2015 Thana -HARNAUT District- NALANDA (BIHARSHARIFF)

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1. Surya Kant Kumar Jha @ Tun Jha, son of Kanti Jha
2. Arun Kumar Jha @ Arun Kumar son of Shanti Jha Both are resident of Village Dhimoh, P.s.- Harnaut (Gokhulpur), District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Opposite Party/s : Mr. Aslam Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 06-04-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 302, 201 and 34 of the I.P.C

It is a case of honour killing wherein Tarkeshwar Kumar @ Sandil was killed by the petitioners and other co-accused named in the FIR as Tarkeshwar Kumar was having love affairs with Asha Kumari, the niece of petitioner no.1.

Submission is of false implication and that the informant was present with the deceased who has specifically stated the name of Navin Kumar Jha regarding strangulating the deceased and assaulted the deceased on his chest by fists, the

doctor has found the cause of death due to asphyxia caused by strangulation, the petitioners have been implicated only with a view to put pressure and they are suffering in custody after their surrender since 22.09.2015, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that the girl Asha Kumari has been examined by the police and she has stated the names of the petitioners also regarding their involvement in the murder of the deceased and further she in her statement recorded under section 164 of the Cr.P.C. has also stated the names of the petitioners. The deceased has performed inter-cast marriage with Asha Kumari resulting in a pre-planned manner the deceased was killed by the petitioners and others.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, serious in nature, I am not inclined to enlarge the petitioners on bail and accordingly their such prayer stands rejected in connection with S.T. No. 453 of 2015 arising out of Harnaut P.S. Case No. 283 of 2015 pending in the court of the learned Sessions Judge, Nalanda at Biharsharif.

However, considering detention of the petitioner, let the trial be expedited and concluded within nine months.

(Jitendra Mohan Sharma, J)

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