

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55394 of 2015

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

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Lakshami Kant Jha Son of Kanti Jha resident of Dhimoh, P.S. Harnaut (Gokhulpur O.P.), 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. Satyavarta Verma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 09-02-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Harnaut P.S. Case No. 283 of 2015 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

It is a case of honour killing wherein Tarkeshwar Kumar @ Sandil was killed by the petitioner and other co-accused named in the FIR as Tarkeshwar Kumar was having love affair with Asha Kumari, the niece of the petitioner.

Submission is of false implication and that informant who was present with the deceased has specifically stated the name of Navin Kumar Jha regarding strangulating the deceased and

assaulted the deceased on his chest by feet. Doctor has found the cause of death due to asphyxia caused by strangulation. The petitioner has been implicated only with a view to put pressure, he is suffering in custody since 22.09.2015, as he has voluntarily surrendered on that date, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned APP opposes the prayer of bail by submitting that the girl Asha Kumari has been examined by the police and she has stated the name of the petitioner also regarding his involvement in the murder of the deceased and further she, in her statement recorded under Section 164 Cr.P.C. has stated the name of the petitioner. The deceased has performed inter-caste marriage with Asha Kumari resulting in a pre-planned manner, the deceased was killed by the petitioner and others.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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