

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37742 of 2016

Arising Out of PS.Case No. -113 Year- 2016 Thana -SHEOHAR District- SHEOHAR

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Anil Kumar Singh son of Nageshwar Singh @ Bikau Singh resident of
village Bhoraha PS Shyampur Bhataha District Sheohar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh

For the Opposite Party/s Mr. Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 01.12.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections 302,
201 and 120B/34 of the Indian Penal Code.

Petitioner happens to be uncle of the deceased and it is
obvious from perusal of the first information report that one Sheohar
P.S. Case no. 73/2016 was lodged against one Amresh Kumar Singh
and others for kidnapping the deceased. However, in course of
investigation of the aforesaid case, it came to light that the deceased
returned to her home on 27.5.2016. Subsequently, her dead body was
recovered in a field on 1.6.2016. The statement of brother of the
deceased was recorded under section 164 Cr.P.C as it is evident from
perusal of para 48 of the case diary and the aforesaid witness,
specifically, stated that his sister returned home on 27.5.2016 and on
1.6.2016 his father, mother and uncle took the deceased on a Bolero
but she did not return whereas other accused returned in the night.

Furthermore, Investigating officer detected that the mobile locations of father of the deceased as well as deceased were found at the same place. It is very serious case of honour killing as the deceased was in love with a boy of other caste and allegedly, that was the reason, she was killed by her family members.

Learned counsel for the petitioner submits that brother of the deceased is a boy of only 12 years and, as a matter of fact, he was detained by the police at police station much prior to recording his statement under section 164 of the Cr.P.C and after that he was threatened to depose against his family members. It is further submitted that the above stated statement of brother of the deceased is nothing but only a statement made due to coercion.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I do not feel it proper to release the petitioner on bail and hence, his prayer for bail in connection with Sheohar P.S. Case no. 113/2016 pending in the court of the Chief Judicial Magistrate, Sheohar stands rejected, at least, at this stage.

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(Hemant Kumar Srivastava,J)

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