

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18826 of 2017

Arising Out of PS.Case No. -75 Year- 2016 Thana -DHANARUA District- PATNA

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Kapil Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

6 11-07-2017

Heard both sides.

The petitioner seeks bail in Dhanarua P.S. case No. 75 of 2016 under Section 302, 201, 120B of the Indian Penal Code.

Two headless bodies were recovered from the field of Bijendra Yadav thereafter the case was registered against 6-8 unknown persons. During the course of investigation, it transpired that daughter of the petitioner was having love affairs with Sujit Kumar. The petitioner, in collusion with his four brothers-in-law, conspired and killed Sujit Kumar and Rajeev Kumar.

The learned counsel for the petitioner submits that there is no eye witness of the occurrence. Save and except suspicion, there is no material against the petitioner to show his involvement in the murder of Sujit Kumar and Rajeev Kumar. Similarly situated accused Baban Kumar has already been allowed bail vide order passed in Cr. Misc. No. 33503 of 2016 by a coordinate Bench of this court. The case of petitioner stands on the



same footing. The petitioner is in jail since one and half years.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for bail and submitted that it was the petitioner who confessed his guilt and disclosed that he and his brother-in-law, Ajay, put the heads of deceased in a well and consequent upon disclosure made by the petitioner both the heads of deceased were recovered from a well.

The petitioner is not named in the FIR but during the course of investigation father of the deceased disclosed that his son had love affairs with the daughter of petitioner. The petitioner was apprehended and he confessed his guilt in paragraph 51 of the case diary. It was the petitioner who firstly disclosed the manner of occurrence as to how both the deceased were killed. The petitioner further disclosed that heads of both the deceased were concealed in a well and on the basis of such disclosure both the heads of deceased were recovered.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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