

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44348 of 2017

Arising Out of PS.Case No. -155 Year- 2017 Thana -BAKHTIYARPUR District- PATNA

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Ranjan Kumar Son of Ram Swaroop Rai Resident of Village-Budhra P.S.
Athmalgola District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in custody since 09.05.2017 in
connection with Bakhtiyarpur P.S. Case No. 155 of 2017 for
offences punishable under Sections 302/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that while he with his family members had gone to attend the
marriage of his brother-in-law, on coming back he found smell
coming from his Bhabhi room and his niece Pallavi Kumari and
Palak Kumari were not in the house. On breaking the lock, his
Bhabhi was found dead with black mark on the neck. The
allegation is that the daughter of his Bhabhi, Pallavi Kumari aged



15 years has killed his mother along with her paramour the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the F.I.R. although it has been stated that the petitioner was the paramour of said Pallavi Kumari. He submits that he has been implicated only on the basis of confessional statement of the said Pallavi Kumari who has confessed the complicity of the petitioner in the aforesaid offence. It is further submitted that the other daughter Palak Kumari who was eye witness but her statement has not been taken by the police. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that the petitioner was having love affair with the daughter of the deceased and both of them conspired and killed the informant's Bhabhi.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Bakhtiyarpur P.S. Case



No.155 of 2017, pending in the court of learned Additional Chief
Judicial Magistrate, Barh, Patna.

The application is, accordingly, rejected. However, the
trial court is directed to expedite the trial.

(Nilu Agrawal, J)

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