

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19539 of 2017

Arising Out of PS.Case No. -171 Year- 2016 Thana -MAHARAJGANJ District- SIWAN

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Rajesh Sharma S/o Ishwarlal Sharma, R/o village - Dhobwalia, P.S.
Maharajganj, District - Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anant Kumar Bhaskar, Advocate.

For the Opposite Party : Mr. Umanath Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-07-2017 Heard both sides.

The petitioner seeks bail in Sessions Trial No. 38 of 2017, arising out of Maharajganj P.S. Case No. 171 of 2016 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

Shiv Kumari Kunwar the informant alleged that on 31.08.2016 the petitioner had come to her house to take mobile number of her son Jitendra Prasad but the informant did not provide the mobile number of her son. She further alleged that when she came to know that Jitendra Prasad fell in love with Savita Kumari, the sister of the petitioner, the informant sent her son to Surat who was working there for last one year. On the next morning the dead body of the son of the informant and the dead



body of Savita Kumari were found.

Learned counsel for the petitioner submits that the petitioner is, ofcourse, the brother of Savita Kumari but there is no eye witness of the occurrence. The informant and other witnesses have made allegation on mere suspicion. Ishwar Lal Sharma @ Iswar Lal Sharma, the father of the petitioner and Hirdya Sharma @ Hirdya Lal Sharma have already been granted bail vide order passed in Cr. Misc. No. 11793 of 2017 and Cr. Misc. No. 54817 of 2016. The post-mortem report also shows that Jitendra Prasad and Savita Kumari died due to asphyxia and no external injury was found on their bodies.

On the other hand learned APP vehemently opposed the prayer for bail and submitted that it is a case of honour killing. The dead bodies of Jitendra Prasad and Savita Kumari were found in a lonely place. It is beyond comprehension of a common man that if the girl Savita Kumari and Jitendra Prasad were intending to end their lives they would have committed suicide in their own houses not by hanging themselves from a tree in a lonely place. The informant, mother of Jitendra Prasad, alleged that the petitioner came to her house and asked for the mobile number of her son. When the informant did not provide the mobile number of her son, the petitioner threatened her of dire consequences and in



the next morning the dead body of her son and the dead body of Savita Kumari, the sister of the petitioner, were found in a lonely place.

Ofcourse, it appears that it is a case of honour killing and two young persons, a boy and a girl, were done to death but similarly situated co-accused Ishwar Lal Sharma @ Iswar Lal Sharma, the father of the petitioner and Hirdya Sharma @ Hirdya Lal Sharma, uncle of the petitioner have already been granted bail and the case of the petitioner stands on the same footing. The petitioner is in jail since 13.10.2016.

Considering the facts aforesaid the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IV Siwan, in Sessions Trial No. 38 of 2017, arising out of Maharajganj P.S. Case No. 171 of 2016.

(Prabhat Kumar Jha, J.)

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