

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43506 of 2017

Arising Out of PS.Case No. -233 Year- 2016 Thana -WARISNAGAR District- SAMASTIPUR

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1. Sarwan Kumar @ Sarwan Kumar Roy Son of Dinesh Banai Roy @
Dinesh Roy @ Bani Roy resident of Village- Raipur, P.S. Warisnagar
District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Mr. Anant Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
16.10.2016 in connection with Warisnagar P.S. Case No. 233 of
2016 for offences punishable under Sections 364/34, 302, 201 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he had married his daughter Babita Kumari with one Rahul
Kumar (deceased) 1½ year back and while Rahul Kumar had
come to his sasural all of them had gone to see Mela. The said
Rahul Kumar, son-in-law of the informant, along with his family
members were coming from behind but did not reach the Mela. It



is alleged that the petitioner, who had earlier gone to the matrimonial house of the daughter and threatened not to marry his daughter, must have kidnapped his son-in-law. After two days, the dead body was recovered in a field.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case only on the basis of suspicion. He submits that his confessional statement of admission of killing the informant's son-in-law before the police has no evidentiary value in the eye of law and has been taken under coercion. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and he is languishing in judicial custody for more than a year. It is submitted that there is no eye-witness to the alleged occurrence and except confessional statement, there is no cogent material against him.

However, learned counsel appearing for the informant submits that the daughter of the informant had a love affair with the petitioner and he had gone to her sasural and opposed the marriage. He submits that from the CDR location of the mobile of the petitioner and the deceased, it was found that they had talked



many times and also during the time of occurrence and the complicity of the petitioner with the informant's daughter was confessed. He further submits that the motive was writ large for the alleged occurrence, hence, opposes the prayer for bail.

Learned APP for the State also opposes the prayer for bail.

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 Warisnagar P.S. Case No. 233 of 2016, pending in the court of learned Chief Judicial Magistrate, Samastipur.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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