

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6162 of 2018

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

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1. Kapil Prasad, Son of Late Ram Briksh Yadav, Resident of Village-Tikuliapur, P.S.-Kako, District-Jehanabad.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

5 29-08-2018 Heard both sides.

The petitioner seeks bail in Dhanarua P.S. Case No.75/2016, registered under Sections 302, 201 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected vide order dated 11.07.2017 passed in Cr. Misc. No.18826 of 2017. The petitioner is in jail for more than two and half years but no substantial progress has been made in the trial. There is only circumstantial evidence that too on the basis of confession of two persons. Similarly situated co-accused namely Baban Kumar has already been enlarged on bail vide order dated 27.09.2016 passed in Cr. Misc. No.33503 of 2016. The petitioner also deserves bail.



Learned Additional Public Prosecutor vehemently opposed the prayer for bail and submitted that in the case of honour killing two headless bodies were recovered from the field of Bijendra Yadav and on such the case was registered against 6/8 unknown persons. During course of investigation, it transpired that the daughter of the petitioner was having love affair with Sujit Kumar. It also transpired that the petitioner and his four brothers-in-law conspired and killed Sujit Kumar and Rajeev Kumar. The petitioner was apprehended and he confessed his guilt in para-51 of the case diary and it was the petitioner who firstly disclosed about the manner of killing of two boys. On the basis of disclosure made by the petitioner, heads of both the deceased were recovered from the well.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected once again.

Since the petitioner is in jail for more than two and half years, the trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Senior Superintendent of Police, Patna is also directed to ensure the attendance of the prosecution witnesses in



the trial court in connection with Dhanarua P.S. Case No.75/2016,
so that the trial must be concluded within stipulated period.

Let a copy of this order be sent to the Trial court as well
as Senior Superintendent of Police, Patna for information and
needful.

(Prabhat Kumar Jha, J)

Amit/rajan

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