

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32318 of 2018

Arising Out of PS. Case No.-683 Year-2017 Thana- DEHRI TOWN District- Rohtas

Laldhari Singh, S/o Late Ram Pati Singh, R/o Vill.- Tendua Dushadhi, P.S.-
Dehri, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 27-08-2018 Heard learned counsel for the petitioner and learned
counsel for the informant as well as the State.

The petitioner is in custody since 23.01.2018 in connection with Dehri P.S. Case No. 683 of 2017 for the offence registered under Sections 302 and 201 of the Indian Penal Code.

Learned counsel for the petitioner submits that only on the basis of suspicion, the name of the petitioner has been drawn into this case as it was found that this petitioner has made call on mobile of the deceased at 1.00 a.m. on 07.09.2017. It is further submitted that only on the basis of such call details the petitioner has been implicated in this case and the colour has been given to the occurrence as that being one of honour killing. The allegation that has further been carved out is that the petitioner's daughter was supposedly in love with the deceased and only for the said reason the deceased has been eliminated.



Learned counsel for the petitioner submits that it is only on the basis of probabilities that the petitioner is facing prosecution and has been languishing in jail and such circumstantial evidence cannot be the basis of conviction and that in the facts and circumstances of the case, the petitioner is entitled to the privilege of bail. He further submits that the petitioner has no criminal antecedent and save and except statement of the uncle of the deceased who is said to have heard from other source that the deceased was having a love affair with the petitioner's daughter, there is no other material to corroborate the said allegation.

Learned counsel for the informant submits that there is strong cloud of suspicion cast on the petitioner in view of the fact that there is no cause to call the deceased in the night since then the deceased was found dead in the field having been throttled to death. It is further submitted that he had heard from the other source that the petitioner's daughter was having love-affair. He thus submits that the petitioner is not entitled to the privilege of bail.

Learned counsel for the petitioner submits that it is an admitted position that till 3.50 a.m. in the morning the deceased was at his own home and tower location of the deceased as well as of the petitioner does not show that the deceased had left his



home at the time when the petitioner had called him.

Case diary in the present case was called for, which has since been received.

Learned counsel for the State submits that save and except suspicion there appears to be no further material in the case diary.

Considering the aforesaid facts and circumstances of the case as well as upon consideration of material on record, let the petitioner, above named, be released 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 Sub Divisional Judicial Magistrate, Rohtas, in connection with Dehri P.S. Case No. 683 of 2017, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.



(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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