

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69077 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- KIUL RAIL P.S. District- Lakhisarai

Prem Shankar Son of Bipin Singh Resident of Village- Kadamtar, P.S. Silaw,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 18-12-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in G.R.P. Kiul P.S.
Case No. 06/2018, registered for the offences punishable under
Sections 302, 201 and 34 of the Indian Penal Code.

In the written report, it is alleged that daughter of the
informant was married with this petitioner in the year 2009.
There was some misunderstanding between them due to money
transaction, but one son was also born after marriage. It is
further alleged that informant's son-in-law also developed illicit
relation with another girl (Bhupendra Singh's daughter). The
informant's daughter and son-in-law were living as tenant in the
house of Bhupendra Singh. The informant has alleged in the
written report that on 10.07.2017 at 8.00 p.m. her son-in-law has



informed the informant that her daughter has fled away somewhere. The informant on 11.07.2017 at 8.00 a.m. reached the K.P.C. Convent School where informant's daughter and son-in-law were living, and did not find the petitioner and his father. The informant reached the house of Bhupendra Singh and enquired from the wife of landlord, she did not reply. The informant reached Warsaliganj and during enquiry learnt that the dead-body of her daughter is with G.R.P. P.S., Nawada. The informant went there with 10 to 15 persons and found the dead-body of her daughter. It is further alleged that police enquired from her about cause of death, then she stated that her daughter has been killed by her son-in-law and his father Bipin Singh. Thereafter her dead-body was thrown by them at the railway track. The police has already registered U.D. case no. 10/2017 on 11.07.2017.

Learned counsel for the petitioner has submitted that deceased died due to train accident on 10.07.2017 for which Nawada Police registered U.D. case no. 10/2017 dated 11.07.2017. The informant had knowledge about filing of the U.D. case which will be apparent from the F.I.R. itself. The informant after delay of more than five months has filed the instant case levelling allegation against the petitioner.



The case diary has been received. In the case diary the statement of 02 witnesses of the U.D. case namely, Jitendra Prasad and Vijay Singh has been recorded at para 10 and 11 who have been examined as eye-witness. They have stated that the victim came before the running train on account of which she died. The inquest report is available in the case diary from which it appears that dead-body was recovered near railway track. In the post-mortem report the doctor has found cause of injury by heavy and hard blunt substance.

In such circumstance there is inordinate delay in filing of the F.I.R. by the informant. From the First Information Report itself, it appears that the informant has got knowledge about the death of her daughter on 10.11.2017, but she did not lodge any case earlier. She had also knowledge that the police had registered U.D. case no. 10/17, but she did not raise any objection anywhere with regard to filing of aforesaid U.D. Case by police.

Considering the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. 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 the learned Additional Chief



Judicial Magistrate, Railway Kiul, Lakhisarai in connection
with G.R.P. Kiul P.S. Case No. 06/2018, subject to the condition
that both the bailors will be close relative of the petitioner.

(Sanjay Priya, J)

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