

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73332 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- RAMKRISHNANAGAR District- Patna

Nilesh Kumar, Son of Abhinandan Kumar, Resident of village- Tulsipur, P.S.-
Kharik, District- Bhagalpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vibhakar Kumar, Advocate.
For the State	:	Mr. Umeshnand Pandit, A.P.P.
For the Informant	:	Mr. Bimal Kumar, Mrs. Maruti Kumari and Mrs. Minakshi Kumari, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 11-04-2019 A show cause filed on behalf of the Senior
Superintendent of Police, Patna, is accepted.

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner is languishing in custody since 06.03.2018
in a case for the offence registered under Sections 302 and 309
of the IPC.

The prosecution story, in brief, is that the sister of
the informant, namely, Shushma Devi, aged about 35 years, was
married with accused petitioner Nilesh Kumar in the year 2007
with rituals and sacrament of Hindu family and she has one
male child Rohit Kumar, aged about 10 years. His sister and
brother-in-law, both were doing private job. On 28.02.18 at 8.00
P.M., he received information that his sister, brother-in-law and



his niece are badly injured in the room and his sister was died. He rushed at once and reached at the place of occurrence and came to know from the house owner Binay Kumar and others that some dispute had taken place between the sister and brother-in-law (Nilesh Kumar) and Nilesh Kumar had hit the sister of the informant by knife and blood was spread in the room. When the friend of his sister had gone to the room and saw the scene there then she made hue and cry. In the meantime, Nilesh Kumar had hit himself and to his son by knife and got injured. Information was given to the police by the house owner and when police came, the brother-in-law of informant and his niece were sent to the hospital for treatment and dead body of sister was sent for post mortem. As per the information of house owner, this occurrence took place at 2.00 P.M. and when the friend of his sister reached there at 6 to 6.30 P.M. she became known about the occurrence.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence.



Merely on the basis of suspicion, the petitioner has been made accused in the present case. From perusal of the case diary, it appears that the petitioner, deceased (wife of the petitioner) and the son of the petitioner were found in injured condition. They were taken to the hospital. The witness in the case diary has alleged that the deceased (wife of the petitioner) had illicit relation with one Manjit Kumar Roy and the said Manjit Kumar Roy regularly used to come at the house of the deceased in absence of her husband for which her husband raised objection. Due to which, the present occurrence is said to have taken place.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. (Sub-Judge)-XIII, Patna, in connection with Ram Krishna Nagar P.S. Case No. 70/2018.

U.K./-

(Sudhir Singh, J)

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