

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16312 of 2020

Arising Out of PS. Case No.-238 Year-2019 Thana- GURUA District- Gaya

VIKASH KUMAR @ VIKASH CHOUDHARY S/o Nagina Choudhary
Resident of Village- Bhawani Sthan, P.S.- Amas, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-07-2020 Heard Mr. Tribhuwan Narayan, learned counsel for the petitioner, Mr. Sanjay Kumar Tiwary, learned A.P.P. for the State and Mr. Vishwa Ranjan Choudhary, learned counsel for the informant through Video Conferencing.

The petitioner seeks bail in Gurua P.S. Case No.238 of 2019 registered under Sections 302, 201 and 34 of the Indian Penal Code.

The informant alleged that her son was working as compounder in the hospital of Dr. Kamta Kumar Singh. For last several months, Sunil Kumar and Manoj Kumar were also working in the same hospital. On 19.10.2019, at about 6-7 P.M., Dr. Kamta Kumar Singh called the informant and informed the informant that her son was not available in the clinic/hospital. The informant suspected that Dr. Kamta Kumar Singh, Sunil



Kumar and Manoj Kumar took away her son from the clinic and killed.

The learned counsel for the petitioner submits that petitioner is not named in the F.I.R. The name of the petitioner transpired during the course of investigation in the statement of Arun Kumar @ Arun Choudhary. Arun Kumar happens to be maternal uncle of the petitioner. Save and except the confession of Arun Kumar, there is no material against the petitioner. It is further submitted that deceased had developed affairs with the daughter of Arun Kumar and petitioner has no manner of concern either with Arun Kumar and his daughter. The moment, the name of the petitioner surfaced in the case, the petitioner appeared before the Court on 25.10.2019 and since then he is in custody. The petitioner was also taken on remand but no new thing was collected during the course of investigation or interrogation by the police after taking the petitioner on police remand. The weapon of crime was also not recovered. It is further submitted that Mithun Kumar with whom the deceased had talked was also apprehended but in no way, any tangible material has been collected to show the involvement of the petitioner. Save and except the suspicion, there is no tangible material and thus, the petitioner deserves bail.



Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for bail and submitted that from perusal of the case diary, it would appear that it was petitioner who was using different numbers from his mobile. Petitioner happens to be nephew/bhagina of Arun Kumar @ Arun Choudhary. Since the deceased had developed illicit relation with the daughter of Arun Kumar @ Arun Choudhary, that is why the petitioner with the help of his maternal uncle and others stabbed the deceased to death and threw his dead body. The petitioner also confessed his guilt and disclosed that he threw the knife in the pond with which the deceased was killed, however, knife was not recovered. Mithun Kumar from whose mobile, the petitioner had talked with the deceased was recovered. The motorcycle used in the crime was also recovered from Mithun Kumar but the same was found to be stolen one. The prayer for bail of Arun Kumar has already been rejected vide order dated 04.06.2020 passed in Cr. Misc. No.8310 of 2020 and, therefore, the petitioner does not deserve bail at this stage as the case relates to honour killing of a boy who was having affairs with the maternal sister of the petitioner.

Perused the F.I.R. and the case diary. Of course, the petitioner is not named in the F.I.R. but during the course of



investigation, the C.D.R. of the mobile of the deceased was obtained which transpired that the deceased had talked with his mobile no.7277033175. It transpired that Arun Choudhary talked with deceased with mobile no.9771576683. The deceased also received call at 5.53 P.M. on 19.10.2019 from mobile no.9060979649 and tower location of the mobile was also found in village Hulasganj. Thereafter, the mobile of the deceased found switched off. On the basis of the C.D.R. which appears from para 11 of the case diary that Arun Choudhary was found have had talked with the deceased on many occasions. Arun Choudhary was apprehended and he disclosed that the petitioner also persuaded the deceased not to have affairs with the daughter of Arun Choudhary but when the deceased continued to have affairs, he was killed and his dead body was thrown which was recovered. The petitioner was also found to have talked with the deceased with mobile no.9060979649 although standing in the name of Mithun Kumar with the same IEMI number. Besides the confession of the petitioner, Mithun Kumar also confessed. The case appears to be a case of honour killing as the deceased was having affairs with the maternal sister of the petitioner.

Taking into consideration the facts aforesaid and the



fact that prayer for bail of similarly situated Arun Kumar has already been rejected, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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