

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47374 of 2019

Arising Out of PS. Case No.-47 Year-2016 Thana- CHAORI District- Bhojpur

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Kamlesh Singh, Son of Lalan Singh Resident of Village - Dhanauti , P.S.-
Charpokhari, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 29-05-2020 The matter has been taken through virtual court
proceeding.

The present application has been preferred for grant of
bail in a case registered for the offences punishable under
Sections 302 and 201 of the IPC.

The prosecution case as per the fardbeyan of
Chaukidar Lal Manohar Singh recorded by S.I. Satrughan
Paswan, on 25.05.2016 at 12.05 P.M., is to the effect that on the
same day at 10 A.M. during duty hours, the informant was
visiting different villages, when he came to know that in the
village Berath Joktiya Dham Badhar, one unidentified dead
body of the female is lying. Thereafter the informant went there
and found an 18 years old female dead body with neck slit
injury. The informant tried to get the dead body identified but it



could not be identified, as a result the FIR was lodged against unknown. During the course of the investigation, it transpired that the unidentified dead body was of the sister of the petitioner, who earlier eloped with one Dhaneshwar Kumar @ Chhotu and they performed marriage in a temple at Hariyana and thereafter they were blessed with a child. This was not liked by the petitioner, as a result, the petitioner and others brought the victim from the house of Dhaneshwar Kumar and killed her.

From the pleadings in the petition, it appears that the petitioner is not named in the FIR. There is no eye-witness to the alleged occurrence and only on the basis of suspicion of the case being of honour killing, the petitioner has been framed in the present case. The petitioner is languishing in custody since 01.01.2017 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case.

Mr. J.N. Thakur, learned counsel for the State submits that subsequent to the registration of the FIR, the police received a secret information that unidentified dead body is of the wife of Dhaneshwar Kumar, who is getting treated in the hospital as he also received injury. Subsequently his statement was recorded wherein he stated that the brothers of the victim



came and took her on the assurance that they will return her on 26.01.2014 but thereafter she did not return and subsequently the petitioner and his brother caused knife injuries to Dhaneshwar Kumar. The accusation has also been supported by Munna Kumar, the brother of Dhaneshwar Kumar in paragraph no. 29 of the case diary. It appears from the statement of Dhaneshwar Kumar that on his statement Vikram P.S. Case No. 108 of 2016 was registered under Sections 341, 323, 324, 307/34 of the IPC against the petitioner and his brother. From the impugned order it appears that co-accused Lalan Singh, has already been convicted, hence it appears that since the petitioner was arrested on 01.01.2017, hence he could not stand the trial.

The report of the learned trial court (learned 5th Additional Sessions Judge, Arwal), dated 29.02.2020 kept at flag- 'Y' reflects that eight witnesses have already been examined.

In view of the advance stage of the trial, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, in connection with Ghauri P.S. Case No. 47 of 2016, S.T. No. 300 of 2017, pending in the Court of learned 2nd Additional Sessions Judge, Bhojpur at Ara is rejected.



Application is dismissed.

(Dinesh Kumar Singh, J)

Amrendra/-

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