

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2011 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- BARGAINIA District- Sitamarhi

1. Ram Bali Rai aged about 50 years Son of Ganga Ram Rai Resident of Village - Ramnagara, P.S. - Riga, District - Sitamarhi.
2. Anirudh Rai aged about 46 years Son of Late Ganga Rai Resident of Village - Ramnagara, P.S. - Riga, District - Sitamarhi.
3. Pramod Rai aged about 30 years Son of Ganeshi Rai Resident of Village - Bhaluahiya, P.S. - Mejorganj, District - Sitamarhi.
4. Satyendra Rai aged about 28 years Son of Bahadur Rai Resident of Village - Bhaluahiya, P.S. - Mejorganj, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar, Advocate
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-03-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The present appeal has been filed for setting aside the order dated 11.02.2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Sitamarhi in Baigainiya Police Station Case No. 5/2020, registered for the offence punishable under Section 302/201/34 of the Indian Penal Code and Sections 3(2)(v) of SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, son of the informant



solemnized inter caste love marriage with daughter of appellant no.2 which was protested by the appellants' side and they also threatened to kill his son. Later on, the appellants killed informant's son.

It is submitted on behalf of appellants that there was no occasion for the appellants to commit murder of informant's son, as the fact of inter caste marriage between the informant's son and daughter of appellant no.2 is baseless. He refers to the statement of the victim girl (daughter of appellant no.2) recorded in connection with Sitamarhi Police Station Case No. 620 of 2019, in which she has clearly stated u/s 164 Cr.P.C. that the story of her marriage with son of the informant is false and baseless. She has further stated that she herself had gone to the house of her Mausi and when she returned with her Mausaa she learnt that her father lodged a case of kidnapping.

However, learned Special P.P. has opposed the appeal and submitted that the instant case is an example of honour killing in which appellants have killed informant's son and during post mortem examination the doctor has also found injury caused by hard and blunt objects and cause of death was due to hemorrhage and shock.

Considering the aforesaid facts and circumstances and



the materials collected during course of investigation, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of bail, is hereby rejected with direction to the appellants to surrender and seek regular bail which shall be considered on its own merit.

(Prabhat Kumar Singh, J)

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