

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3152 of 2021**

Arising Out of PS. Case No.-84 Year-2020 Thana- PRATAPGANJ District- Supaul

NITISH KUMAR Son of Kripanand Kamat Resident of village - Parmanand
Pur (Ward no. 09), Gospur, P.S. - Pratapoganj, District - Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar Jha, Adv.

For the Respondent/s : Ms.Abha Singh, Addl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 26-10-2021 An envelope containing the social investigation report

has been opened by the Bench Officer in the Court room. The

social investigation report of the petitioner is taken on the

record.

Heard learned counsel for the petitioner and learned
Addl.P.P. for the State.

Appellant in the present case is seeking setting aside
of the order dated 09.04.2021 passed by learned Additional
Sessions Judge-1st -cum-Special Judge, Supaul in
G.R.No.435/2020, E.R. No.40/2020 arising out of Pratapganj
P.S. Case No.84/2020 registered under Section 302, 201 and 34
of the Indian Penal Code and his release on bail in the instant
case.

As per the prosecution story, the daughter of the
informant aged about 17 years had developed a love affair with



this appellant for about nine months and the appellant had given her a mobile phone but when the informant came to know about this he talked to the father of the appellant, returned the mobile phone and tried to convince him. After few days i.e. on 15.06.2020 after taking dinner at about 11.00 pm his daughter slept with her mother but on the next day i.e. 16.06.2020 when her mother woke up at 5.30 am she found that her daughter was missing from the house. In course of search, the dead body of the daughter of the informant was found hanging in the bansbitta (bamboo's park) of one Satyanarayan Paswan.

Learned counsel for the appellant submits that from the First Information Report itself it would appear that the daughter of the informant was in love with this appellant which was being objected to by her parents and it further appears that on 15.06.2020 during night hours she left her house on her own.

In course of investigation, it has come in the case diary that the victim girl had gone to the house of this petitioner with her clothes and some educational certificates etc. kept in a bag and she wanted this petitioner to come with her and marry her on which the petitioner was not readily agreeing and he refused to elope with the victim. Later on it seems that the victim has hanged herself in the bansbitta. No anti-mortem



injury has been found on her body.

Learned counsel further submits that in course of investigation several independent witnesses have deposed in paragraph 24, 28, 34, 36 and 46 in the case diary, everybody has stated that she had committed suicide.

Ms. Abha Singh, learned Addl.P.P. for the State has appeared and opposed the prayer for bail of the appellant. After going through the case diary and the social investigation report, learned Addl.P.P. does not dispute that the love affair between the deceased and the appellant has been admitted by the informant in the FIR itself.

This Court has been further informed that the social investigation report of the petitioner is good. He is said to be a disciplined boy and has studied up to class-X. His friends have also disclosed that his behaviour is good and it has come in course of investigation that the appellant and the victim were studying together in a coaching class where they had got attracted towards each other. No adverse material has been pointed out to this Court against the appellant.

In the nature of the materials discussed hereinabove with reference to the case diary and the social investigation report and considering that the appellant has already been



declared juvenile and is in observation home for over one year four months, this Court sets aside the impugned order and directs release of the appellant on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Supaul in connection with Pratapganj P.S. Case No.84/2020 (G.R.No.435/2020 E.R.No.40/2020). One of the bailors shall be the father of the appellant who will furnish an undertaking that while on bail he would not allow the appellant to come in contact with any antisocial element or a person of criminal antecedent.

The Juvenile Justice Board, Supaul shall also direct the Probation Officer to keep his eyes over the conduct of the appellant and submit a periodical report from time to time to the Board.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

