

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8181 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- BHAPTIAHI District- Supaul

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VIJAY KUMAR @ VIJAY KUMAR SINGH SON OF RAMSEVAK SINGH
RESIDENT OF VILLAGE BALTHARWA, WARD NO. 13, P.S.
BHAPTIYAH, DISTRICT SUPAUL, STATE BIHAR-852105

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-12-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Bhaptiyahi P.S. Case No.48/2020 registered for the offences punishable under Sections 306 and 201/34 of the Indian Penal Code.

The First Information Report has been lodged by the S.H.O. of the police station on his own statement. According to him, he got an information on 28.05.2020 that a lady has died in village Sadanandpur, Ward No.4 in suspicious condition and her



family members are cremating her dead body. When the informant proceeded to verify this information and reached the village Sadanandpur, he found that the family members of the deceased Savita Kumari were burning her dead body in the field situated west to their house. The dead body had been burnt and in course of verification the informant was told that the deceased had suffered from some pain in her waist during the midnight and thereafter she had fallen down on the verandah and the family members could not take her to a doctor because they lacked means of communication. The informant, however claims that he came to know in the village that the victim lady was seen with her paramour and the family members did not like it, therefore, during the night hours the lady was killed by administering poison and with an intention to conceal the evidence they burnt the dead body.

Learned counsel for the petitioner submits that this petitioner is the step-brother of the deceased and he lives separately from the family of the deceased. It is his submission that there is no eye witness to the alleged occurrence and no specific allegation has been made against him.

On the other hand, learned APP for the State submits that it is a case of honour killing in which a young girl has been



killed by her own family members. According to him, in the nature of the allegations which are serious as well as heinous, the petitioner does not deserve privilege of anticipatory bail.

This Court has noticed that the allegations in the FIR are specific against the petitioner and some other family members of the deceased, it is alleged that the deceased was killed because of her love affair with a person, the circumstances showing that the dead body had been burnt in the adjacent field near the house and no information in this regard about any unnatural death was given to the police station are such that in these circumstances, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner. The prayer is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit.

(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'.

