

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8308 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- SAHPUR District- Bhojpur

1. SANTOSH SINGH SON OF RAJENDRA SINGH VILLAGE-MAHARAJA, P.S. SHAHPUR, DISTRICT- BHOJPUR
2. SUJEET SINGH SON OF RAJENDRA SINGH VILLAGE- MAHARAJA, P.S. SHAHPUR, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10777 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- SAHPUR District- Bhojpur

SUMIT SINGH Son of RAJENDRA SINGH Resident of Village - Maharaja, P.S. - Shahpur, District - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24004 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- SAHPUR District- Bhojpur

RAJENDRA SINGH Son of Late Sri Kishun Singh Resident of Village- Maharaja, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8308 of 2021)

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

For the Informant : Mr. Pratik Mishra, Advocate

(In CRIMINAL MISCELLANEOUS No. 10777 of 2021)

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Surendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 24004 of 2021)



For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 27-07-2021 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State through video conferencing.

The petitioners have filed the three applications for grant of regular bail in connection with Sahpur P.S. Case no. 74 of 2020, Sessions Trial no. 32 of 2021 registered under section 302 and other sections of the Indian Penal Code.

As per allegations in the FIR, it is stated by the informant that he was woken up late in the night by his younger son and informed that his other son namely Ajay Krishna Kumar was not in the house. Subsequently his dead body was discovered with injuries on his head and neck. It is stated that there was proximity between his son and the daughter of Rajendra Singh which was not liked by Rajendra Singh and he had threatened that if the informant did not control his son, he would be killed. The informant states that he is convinced that Rajendra Singh had called his son in the night and with the other accused persons had killed him.

It is submitted by learned counsel for the petitioners that from the FIR itself it would be evident that the informant is not an eye witness to the occurrence. The material that has transpired in course of investigation at best can be said to be circumstantial in nature. The petitioner has been falsely implicated in the case. Investigation in the case has concluded. The petitioners are in custody since 11.3.2020 and have no criminal antecedent. They undertake to abide by the conditions



which may be laid by this Court for their being enlarged on bail.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the trial in the case has commenced and one prosecution witness has been examined. It is further submitted that in course of investigation it has transpired that there was love affair between the deceased and the daughter of Rajendra Singh. Referring to the material that has come in course of investigation with respect to the call detail reports etc of the mobile phone in paragraph nos. 18 and 39 to 43 of the case diary it is submitted that at midnight it was Rajendra Singh who had called the deceased and the duration of his call was 48 second. The chain of circumstances is complete and it is a case of honour killing.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the investigation in the case having been completed together with the petitioners having remained in custody for 1 year 4 months, the Court is inclined to enlarge the four petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Sessions Trial no. 32 of 2021 arising out of Sahpur P.S. Case no.74 of 202 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 14, Bhojpur at Ara.

In view of the trial in the learned Court below having commenced, it is directed that the petitioners shall remain physically present in Court on each date of the trial and in case of their absence on any single date for reasons not to the satisfaction of the learned Trial Court, the learned trial Court



may cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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