

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50843 of 2021

Arising Out of PS. Case No.-101 Year-2015 Thana- SILAO District- Nalanda

Chandra Shekhar Prasad Son of Kapil Prasad Resident of Village- Dularuya
Bigha, P.S.- Silao, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7967 of 2022

Arising Out of PS. Case No.-101 Year-2015 Thana- SILAO District- Nalanda

Sunil Prasad S/O Mohan Prasad R/o village- Dularua Bigha, P.S.- Silao,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50843 of 2021)

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

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

(In CRIMINAL MISCELLANEOUS No. 7967 of 2022)

For the Petitioner/s : Mr. Ranvijay Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

8 28-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Silao P.S. Case No. 101 of 2015, lodged under Section 364 of
the Indian Penal Code, subsequently the offences were
converted into under Sections 302, 201, 120(B) and 34 of the
Indian Penal Code.

As per the prosecution case, the informant and the

deceased are husband and wife entered into marriage without consents of their families and started living in a separate house. From the said marriage the newly coupled took blessings of God and they have child of 8 months. It has been alleged that the accused petitioners visited to the house of the informant, in his absence called his wife to come to their house, thereafter, wife of the informant became traceless. Informant apprehended in the F.I.R. that the petitioners might kill her due to the reasons that they entered into love marriage without consent of their families.

Learned counsel for the petitioner submits that the present case has been filed under Section 364 but subsequently the offences were converted into under Sections 302, 201, 120(B) and 34 of I.P.C., when the dead body of the deceased was recovered. Learned counsel also submits that the date of occurrence is 20.07.2015, thereafter, F.I.R. has been lodged on 24.07.2015, it is delay of about 4 days, but there is no explanation of delay in the filing of F.I.R. Learned counsel further submits that petitioner of Cr. Misc. No. 50843 of 2021 is in custody since 01.04.2021 and there is no criminal case pending against the petitioner at the time of filing but after that one case has been filed against the petitioner, in which he was

exonerated. Petitioner of Cr. Misc. No. 7967 of 2022 is in custody since 25.08.2021 having clean antecedent and charge-sheet has already been filed in this case.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners and submits that it is a case of honour killing in which the allegation is upon the family members of the wife to kill deceased/victim in the name of honour. He also submits that charge has already been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners and therefore bail petitions of both the petitioners are hereby rejected.

Liberty is hereby granted to the petitioners that they may renew their prayer for bail **6 months** after framing of charge.

Trial Court is directed to expedite the trial as early as possible.

(Dr. Anshuman, J.)

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