

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57407 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- NOORSARAI District- Nalanda

Rahul Kumar, Son Of Madan Prasad Resident Of Village - Lakhichak, P.S.-
Noorsarai, District - Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-05-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Rabindra Prasad Singh learned counsel for
the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Noorsarai P.S. Case No. 212 of 2020 for the
offences punishable under Sections 302, 201, 120(B) and 34 of
the Indian Penal Code.

As per the prosecution case it is alleged that the
informant (present petitioner) gave statement before the police
that yesterday at about 11.00 pm his sister left the house for
attaining the call of nature but when she did not return home,
the informant (petitioner) started searching but did not find her.



It is further stated that on 11.07.2020 at about 4.30 am he received an information that a dead body of a girl is lying near Ajaypur Bridge. He went there and saw that the dead body of her sister.

It is submitted on behalf of the learned counsel for the petitioner that though the petitioner was informant of the present case but later on during the course of investigation the statement of the father of the petitioner was recorded and he stated before the police that in fact it is the petitioner who has killed his own sister as she had some love affair with another person.

It is further submitted that the father of the petitioner was not even present on the date and time of the occurrence and he was in Punjab and as such he was not acquainted with the crime, but because of some reason unknown to the petitioner, his name has been implicated. However, so far as the statement of other family members, including the mother and grand-mother are concerned they have not supported the version of the father of the petitioner and have stated that he has no role to play in killing of his sister. It is further submitted that this petitioner has no criminal antecedent and is in custody since 16.07.2020. Apart from the fact that there is neither any independent witness nor any eye-witness to the alleged occurrence and moreover the petitioner is already remained in custody for a period of about



two years.

On the other hand the learned APP for the State opposes the bail application and submits that this is a case of honour killing and this petitioner being the brother of the deceased killed his sister and this fact has also been confessed by him before the police.

Having considered the submissions made by the parties and taking into consideration the fact that there is no eye-witness to the alleged occurrence and so far as the father of the petitioner is concerned he was at Punjab on the alleged date of occurrence and he has not disclosed from what source he came to know that this petitioner has killed his sister. Apart from the fact that other family members have not supported the version of the father of the petitioner in as much as this petitioner is in custody since 16.07.2020, having clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of ACJM-VIIth, Nalanda at Biharsharif, in connection with Noorsarai P.S. Case No. 212 of 2020 with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Harish Kumar, J)

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