

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51474 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- RAJAOLI District- Nawada

RAVI KUMAR S/o Kapildeo Chaudhary Resident of Village- Bardaha, P.S.-
Sirdala, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Dhirendra Pratap Singh, Advocate.
For the Opposite Party/s : Mr. Satyendar Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 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. Kumar Dhirendra Pratap Singh, learned
counsel for the petitioner and Mr. Satyendar Narayan Singh,
learned Additional Public Prosecutor for the State through video
conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Rajauli P. S. Case No. 95 of 2022
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code.

The prosecution case is based on the written report
of the informant alleging therein that on 02.03.2022, the



daughter of the informant went to attend nature call, in the meantime, she heard screaming of her daughter and thereupon the informant and other family members went to the place of occurrence and found her daughter strangulated to death by rope and this petitioner was dragging the dead body of her daughter.

Learned counsel appearing on behalf of the petitioner submitted that in fact, this is not a case as has been picturised in the F.I.R. rather it is a case of honour killing as the petitioner and the victim girl had love affair and on the alleged date of occurrence when they were caught red handed, the petitioner and the deceased were brutally assaulted by them and later on either the victim has committed suicide or the family members have killed the victim. It is further submitted that the police after investigation submitted charge sheet under Section 306 of the Indian Penal Code and Section 8 of the POCSO Act against the petitioner and also made accused to the other family members of the deceased, which clearly demonstrate the involvement of the family members in causing the death of the deceased. It is next submitted that the petitioner had also lodged an F.I.R. against the family members of the deceased on same day of occurrence on 02.03.2022 stating the occurrence, which has taken place on the said date. It is also submitted that the



petitioner is a student of ITI, Magadh Pvt. Industrial Training institute, Gaya and having fair antecedent, however, he is in custody since 03.03.2022, though, the investigation of the crime is already complete.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioner and he was caught red handed while he was dragging the dead body of the victim.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that during the course of investigation, the police has found the hands of the family members in causing the death of the victim and some of the witnesses in paragraphs no. 23, 24 and 25 of the case diary, as is evident from the impugned order supported the allegation that the family members are instrumental in causing the death of the deceased, apart from the fact that the petitioner having fair antecedent and the investigation of the crime is already complete, let the petitioner, above named, 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 learned Additional District and Sessions Judge- VI-cum-Special Judge (POCSO Act) Nawada in connection with Rajauli P. S.



Case No. 95 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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