

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.45566 of 2022

Arising Out of PS. Case No.-463 Year-2021 Thana- GHORASAHAN District- East Champaran

Arjun Singh S/O Late Ramgya Singh Resident of village- Sathaura, P.S.- Jitna, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 49527 of 2022

Arising Out of PS. Case No.-463 Year-2021 Thana- GHORASAHAN District- East Champaran

- 1. Dhananjay Singh S/O Late Raja Singh Resident Of Village- Sathaura, P.S.- Jitna (Ghorasahan), District- East Champaran.
- 2. Kameshwar Singh S/O Late Raja Singh Resident Of Village- Sathaura, P.S.- Jitna (Ghorasahan), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50140 of 2022

Arising Out of PS. Case No.-463 Year-2021 Thana- GHORASAHAN District- East Champaran

Golden Singh Son Of Shivnath Singh Resident Of Village - Sathaura, P.S.- Jitna (ghorasahan), District - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 52181 of 2022

Arising Out of PS. Case No.-463 Year-2021 Thana- GHORASAHAN District- East Champaran

SURAJ SINGH Son of Shivnath Singh R/V- Sathaura, P.S- Jitna (Ghorasahan), Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57997 of 2022

Arising Out of PS. Case No.-463 Year-2021 Thana- GHORASAHAN District- East
Champanan

ARUN SINGH Son of Late Jamadar Singh R/V- Sathaura, P.S- Jitna
(Ghorasahan), Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45566 of 2022)

For the Petitioner/s : Mr. Shashank Shekhar Sinha, Adv.

For the Opposite Party/s : Mr. Rajeev Nayan, APP.

For the Informant/s : Mr. Md. Anisur Rahman, Adv.

(In CRIMINAL MISCELLANEOUS No. 49527 of 2022)

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

For the State : Mr. Ram Anurag Singh, CGC.

For the Informant/s : Mr. Md. Anisur Rahman, Adv.

(In CRIMINAL MISCELLANEOUS No. 50140 of 2022)

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

For the Opposite Party/s : Mr. Rajeev Nayan (App 231)

(In CRIMINAL MISCELLANEOUS No. 52181 of 2022)

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

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

(In CRIMINAL MISCELLANEOUS No. 57997 of 2022)

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-02-2023 At the request of learned counsel for the petitioner in
Cr. Misc. No. 45566/2022, permission is accorded to make
necessary correction in para no. 3 of this petition.

All the criminal miscellaneous petitions have arisen out of the same police station case number, hence they are

heard together and disposed of by a common order.

Heard learned counsels for the petitioners, learned APPs for the State and learned counsel for the informant.

Petitioners seek regular bail in connection with Ghorasahan (Jitna) P.S. Case No. 463 of 2021 registered for the offences punishable under Sections 147, 148, 149, 447, 448, 341, 342, 364, 307, 302 and 102B of the Indian Penal Code and Sections 25(1-b)(a)/35 and 27 of the Arms Act.

As per the prosecution, the informant alleged that on 25.10.2021, her parental family members along with some other accused persons equipped with lathi, iron rods, pistol, etc. forcefully entered into her matrimonial house and started assaulting her and her in-laws and their family members owing to which, her husband died and her in-laws sustained serious injuries and she further alleged that her daughter was kidnapped by the accused.

It is submitted by learned counsel Mr. Shashank Shekhar Sinha appearing for the petitioner in Cr. Misc. No. 45566/2022 that the petitioner is eighty years old and not a relative of the informant and he is a co-villager of the informant and languishing in jail since 04.12.2021.

It is submitted by learned counsel Mr. Anuj Kumar

appearing for the petitioners in Cr. Misc. No. 49527/2022, Cr. Misc. No. 50140/2022 and Cr. Misc. No. 52181/2022 that in the FIR, there is no specific allegation of assaulting against these petitioners. It is further submitted by learned counsel appearing in Cr. Misc. No. 57997/2022 that the prosecution's story narrated in the FIR is totally false, in actual on the alleged date and time of occurrence, an incident of dacoity took place in the house of the informant and thereafter the instant matter was falsely prepared and the petitioner is an agnate of the deceased and there was no reason for him to be involved in the alleged crime of murder. Further submission is that all these petitioners have been languishing in jail since 04.12.2021.

The prayer for bail made by all the petitioners is vehemently opposed by learned APPs and learned counsel for the informant and submitted that in the present matter one person was killed, who was husband of the informant and parents of the deceased were brutally assaulted by the accused persons including the petitioners and the petitioner namely Arjun Singh in Cr. Misc. No. 45566/2022 had intentionally hidden his criminal antecedents in his petition.

Heard both the sides and perused the FIR and order impugned. As per the prosecution's allegation the informant

married her co-villager namely Awanish Kumar Singh (deceased) and that marriage was a love marriage and on the ground of that marriage the informant's parental family members were not happy and consequently on the alleged date and time of the occurrence, when the informant was in the house of her husband then all the petitioners and co-accused persons including the parental family members of the informant equipped with lathi, iron rods, pistol, etc. entered into her matrimonial house and thereafter they started assaulting the informant's husband's parents and thereafter killed the informant's husband by assaulting him. In the alleged occurrence, several persons were involved including the petitioners and the manner of occurrence described in the FIR goes to show that the alleged occurrence was pre-planned and the same was committed on account of the marriage of the informant with the deceased and the murder appears to be committed in the name of honour killing. Considering the nature of allegations appearing against all the petitioners, this Court is not inclined to accept the prayer for bail of all the petitioners. Accordingly, the prayer for bail of all the petitioners stands rejected.

All the petitioners are given a liberty to renew their

prayer for bail if any significant progress is not made in respect
of their trial in the next six months.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--