

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68789 of 2022**

Arising Out of PS. Case No.-429 Year-2021 Thana- PHULPARAS District- Madhubani

VIKRAM SAH @ VIKRAM KUMAR SAH Son of Late Samtoli Sah R/V-
Siswabarhi, P.S- Phulparas, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Phulparas
P.S. Case No.429 of 2021 registered for the offence under
Sections 302, 201 and 120B/34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.05.2022.

As per prosecution case, a dead body of female aged
about 20-25 years was recovered by informant, who is local
Chaukidar, where, during course of investigation, it appears that
petitioner being father of deceased killed her, as she was in love
affairs out of religion.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner implicated falsely with the present



case, where, out of suspicion a self confession was obtained, where, no incriminating material recovered/surfaced, during course of investigation to connect this petitioner with the present occurrence. It is submitted that petitioner is the father of victim girl, he himself victim of circumstances. It is submitted that as the daughter of petitioner was in love affairs with someone out of religion, it is suspected that she might be killed by this petitioner, who is none but the father. It is further submitted that even the dead body recovered by informant on own and not in furtherance of confessional statement, as obtained, during course of investigation. It is also pointed out that alleged tower location of mobile phone of petitioner, which alleged to be of same tower is of no use for the reason that recovery of dead body and residence of petitioner falls under same tower location and as such having same tower location is very natural and scientific. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that this is a case of honor killing. It is also submitted



that mobile location of petitioner was also traced with same tower, where, dead body of victim girl alleged to recovered.

Considering the facts and circumstances as mentioned above, as save and except suspicion and tower location, nothing appears during course of investigation to connect this petitioner with crime in question coupled with the fact that charge-sheet has been submitted, where, petitioner is in custody since 25.05.2022, let the petitioner, above named, is directed to be released on bail in connection with Phulparas P.S. Case No.429 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Jhanjharpur, Madhubani/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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