

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37973 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- KAMTAUL District- Darbhanga

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Shyam Das Son of Mahesh Das @Maheshi Das R/O Village Mangrathu Ward
no 7 Bazidpur Kothia P.S. Kasmtaul District Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Gaurav Kumar Verma, Adv.
For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kamtaul P.S. Case No. 23 of 2024/G.R. No. 363 of 2024, registered for the offences under Sections 302, 301 & 120(B) of the Indian Penal Code.

3. As per the prosecution case, petitioner gave a written report to the police that his daughter went missing in the night of 02.02.2024 and on 04.02.2024 the half burnt body of a girl was recovered by the villagers and the petitioner identified it as the body of his daughter and thereafter, F.I.R. was registered. After investigation the police found the version of the petitioner to be wrong and made the petitioner and his family members as accused in the present case being a case of honour killing.

4. Learned counsel appearing on behalf of the

petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The police instead of properly investigating the matter has falsely implicated the petitioner and his family members in the present case. The petitioner and others were made accused on the basis of statement of local chowkidar who stated that he heard some noise coming from the house of the petitioner and named five persons on the basis of suspicion. Though the chowkidar was not an eye witness, still he implicated the entire family of the petitioner. Further, it is stated to be a case of honour killing but the police has not recovered any material about the boy whom the girl was stated to be talking on mobile phone. Learned counsel further submits that there is no substantive material to connect the petitioner with the alleged occurrence. The petitioner is in custody since 08.02.2024 and charge sheet has been submitted and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that the name of the petitioner transpired during investigation for being involved in honour killing of minor girl.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the

lack of substantive material to connect the petitioner with the offences as alleged, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.-Ist Class, Darbhanga/concerned court, in connection with Kamtaul P.S. Case No. 23 of 2024/G.R. No. 363 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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