

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37823 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- KAMTAUL District- Darbhanga

1.

Mahesh Das @ Maheshi Das S/o Late Babu Ji Das Resident of Village-mangrathu, Ward No.-4, Bazidpur Kothia, P.S-Kamtaul, Distt-Darbhang
2.

Shatrudhan Das S/o Late Babu Ji Das Resident of Village-mangrathu, Ward No.-4, Bazidpur Kothia, P.S-Kamtaul, Distt-Darbhang

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar Verma,Adv.
For the Opposite Party/s : Mr.Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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26-07-2024

The present case relates to Kamtaul P.S. Case No. 23 of 2024 whereas in the cause title the same reflects as Kamtaul P.S. Case No. 23 of 2023.

2. Hence, office is directed to correct the year of the case in the cause title.

3. Heard learned counsel for the petitioners and learned A.P.P. for the State.

4. In the present case, the petitioners seek 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.

5. As per the prosecution case, co-accused Shyam Das

gave a written report to the police that the 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 informant identified it as the body of his daughter and thereafter, F.I.R. was registered. After investigation the police found the version of the informant to be wrong and made the informant and his family members as accused in the present case being a case of honour killing.

6. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The son of the petitioner no.1 is the informant of the present case and petitioner no. 1 is aged about 75 years. Petitioner no. 2 is brother of petitioner no. 1 who is also aged about 64 years. Police instead of properly investigating the matter has falsely implicated the informant and his family members in the present case. The petitioners 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 informant 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 petitioners. 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 petitioners with the alleged occurrence. The petitioners are in custody since 08.02.2024 and charge sheet has been submitted and they have no criminal antecedent.

7. 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 petitioners transpired during investigation for being involved in honour killing of minor girl.

8. 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 petitioners with the offences as alleged, the petitioners are 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 petitioners.

(ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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