

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85532 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- RAJAPAKAR District- Vaishali

1. Sarita Devi, Wife Of Mr. Jai Kishun Ram, Resident Of Village - Harpur Hardas, P.S. - Rajapakar, District - Vaishali
2. Chandan Kumar, Son Of Laxmi Ram, Resident Of Village - Harpur Hardas, P.S. - Rajapakar, District - Vaishali
3. Anita Devi, Wife Of Laxmi Ram, Resident Of Village - Harpur Hardas, P.S. - Rajapakar, District - Vaishali
4. Jai Prasad Ram, Son Of Late Nageshwar Ram, Resident Of Village - Harpur Hardas, P.S. - Rajapakar, District - Vaishali
5. Sanjay Kumar @ Sanjan Kumar @ Sanjay Ram, Son Of Mr. Jai Kishun Ram, Resident Of Village - Harpur Hardas, P.S. - Rajapakar, District - Vaishali
6. Gunjan Kumar, Son Of Mr. Jai Kishun Ram, Resident Of Village - Harpur Hardas, P.S. - Rajapakar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :		Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 02-07-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Rajapakar P.S. Case No. 235 of 2023 dated 27.06.2023 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, on getting confidential



information about a dead body of the daughter of the petitioner no. 1, which was kept in the house of the petitioner no. 3 and accused persons are in search of opportunity to dispose off the dead body, the police party proceeded there. On seeing the police party, accused persons started to escape but after chase, the petitioner nos. 1, 2, 3, 4 and several accused persons were apprehended. On search, dead body of the daughter of petitioner no. 1 was recovered from the house of the petitioner no. 3 and later on, it was sent for postmortem. Reason behind the present occurrence is said to be honour issue as two weeks before, she had fled away with Umesh Kumar @ Rajnish in the wake of love affairs for which Rajapakar P.S. Case No. 212 of 2023 was instituted by her parents. After a week, she was recovered and her statement was recorded u/s 164 Cr.P.C. in which she expressed her desire to go with her parents. Out of anger, her family members killed her by throttling with rope and tried to dispose off her dead body.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is no eye witness to the alleged occurrence and at best, it can be said that this case hinges around the petitioners on hearsay statement and merely on the basis of suspicion. There is no specific allegation of killing against any of the petitioners. All the petitioners are family members of the deceased. The petitioners



have clean antecedent as stated in para 3 of the bail petition. Moreover, the petitioner nos. 1 to 4 are languishing in judicial custody since 29.06.2023 whereas the petitioner nos. 5 and 6 are in custody since 30.08.2023. The petitioner 4 and 3 are ladies.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 235 of 2023, with a condition:-

(i). The petitioner nos. 2, 4, 5 and 6 are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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