

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86223 of 2023

Arising Out of PS. Case No.-451 Year-2023 Thana- ROSERA District- Samastipur

Vikash Kumar s/o Ram Kumar Mahto Vill.- Mirjapur, wardno.- 03, p.s.-
Rosera, Dist.- Samastipur(bihar)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, Addl Public Prosecutor

Mr. Shishir Kumar Shishir, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner seeks regular bail in a case registered for
the offence punishable under sections 302/34 of the Indian Penal
Code.

3. As per the prosecution case, on 29.07.2023 at about
11 P.M. at night when informant's brother was returning after
taking feast from his Nanihal at village Mirjapur and when he
came near the house of Ram Kumar Mahto then this Petitioner
along with others, named in the FIR, brutally assaulted his
brother namely Shyam Kumar, and also informed the informant
that his brother is at his house and when he went to the house of
Ram Kumar Mahto, he (informant) saw that his brother is lying
dead.

4. Learned counsel appearing for the petitioner



submits that the informant is not the eye witness of the occurrence. During investigation, witnesses have not made allegation against the petitioner. As a matter of fact, deceased went in the house of the petitioner for theft but he was caught and handed over to his family members, who later on brutally assaulted the victim in order to save their family position in the society. Victim died of the assault caused by the informant and his family members, and thus it is a case of honour killing. Petitioner is in custody since 31.7.2023. Petitioner claims clean antecedent.

5. Learned counsel for the State and the informant oppose the prayer for bail. They submit that the petitioner and others named in the FIR assaulted the brother of the informant causing his death. Dead body was also recovered in front of the house of the petitioner.

6. Considering the nature of accusation, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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