
(2020) 08 PAT CK 0041

In the Patna High Court

Case No : Criminal Miscellaneous No. 15350 Of 2020

Jifrul Haque Ansari @ Jafrul Ansari

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 24-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 201, 302

Citation : (2020) 08 PAT CK 0041

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Dinesh Prasad Verma, Shyam Kumar Singh, Zainul Abedin

Final Decision : Dismissed

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.
2. Heard Mr. Dinesh Prasad Verma, learned counsel for the petitioners; Mr. Shyam Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Zainul Abedin, learned counsel for the informant.
3. The petitioners are in custody in connection with Dhanaha PS Case No. 10 of 2019 dated 12.01.2019, instituted under Sections 302, 201 and 120B of the Indian Penal Code.
4. The allegation against the petitioners and three others is of killing the nephew of the informant and then destroying the evidence.
5. Learned counsel for the petitioners submitted that the whole family have been falsely implicated without any evidence. It was submitted that nobody is witness to the alleged crime and only on suspicion, the case has been instituted. It was further submitted that though the incident occurred on 02.01.2019 but the FIR has been lodged only on 12.01.2019. Learned counsel submitted that that the

petitioners having no criminal antecedent are in custody since 16.09.2019.

6. Learned APP, from the case diary, submitted that witnesses have stated with regard to the deceased having gone to the house of the petitioners. It was further submitted that it is a case of honour killing as the sister of the petitioners was in a love relationship with the deceased. Learned counsel submitted that the police have found by the CDR that there was talk on the day of occurrence between the sister of the petitioners and the deceased.

7. Learned counsel for the informant submitted that the IO has found blood at the place of occurrence and further from the other house of the petitioners, in the field, the Aadhar Card of the deceased has also been recovered. It was submitted that independent witnesses have seen the deceased going with the petitioners to their house on the fateful day. Learned counsel submitted that there is no delay on the part of the informant in lodging the case as on 02.01.2019 itself the police was informed on phone no. 100, but when no action was taken, a petition was filed before the Superintendent of Police, West Champaran as well as the SHO of the concerned PS and even after that, when no action was taken, a complaint case was filed on 09.01.2019, which upon being sent to the police by the Court, has resulted in institution of the FIR. Learned counsel submitted that the petitioners have also suppressed the fact that they have criminal antecedent as they are also named accused in Dhanaha PS Case No. 152 of 2015 dated 18.11.2015, in which they are facing trial. It was submitted that the petitioners being fully aware of such pendency, have made a patently wrong statement for which they are liable to separate prosecution on this account only.

8. On a query of the Court to learned counsel for the petitioners with regard to the suppression of antecedent of the petitioners, he submitted that he does not have any information.

9. Learned counsel for the informant submitted that he was referring from the copy of the FIR, available with him, which discloses that the petitioners were accused in the same.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that, in the present case, there is strong indication with regard to the involvement of the petitioners in the alleged crime. Further, the petitioners facing trial in a case in which they are accused, of the year 2015, have not only suppressed the same but have also made a false statement before the Court that they have no criminal antecedent. The same is a serious matter.

11. As more and more cases of such blatant falsity being stated with regard to criminal antecedent are coming before the High Court regularly, the same is required to be appropriately dealt with as purity of judicial proceedings have to be maintained at all cost.

12. At this juncture, learned counsel for the petitioners tendered unconditional apology for such false statement having been made with regard to the antecedent of the petitioners.

13. Be that as it may, for reasons aforesaid, the Court is not inclined to grant bail to the petitioners.

14. Accordingly, the application stands dismissed with cost of Rs. 10,000/- against each petitioner, the total being Rs. 30,000/-. The same shall be deposited in the Juvenile Justice Fund of the State Social Welfare Department within six weeks from today and receipt filed within two weeks thereafter, failing which the Registry shall place the matter before the Bench for necessary orders.

15. Further, the Court below shall call for an explanation from the Superintendent of Police, Bagaha in the District of West Champaran, as to why such important fact has not been indicated in the case diary which has been forwarded to the High Court, moreso when it relates to the same police station. The Court below shall thereafter pass appropriate and necessary order on the explanation submitted by the Superintendent of Police, Bagaha. The said exercise be completed within two months from today.