

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31066 of 2015

Arising out of PS.Case No. -84 Year- 2014 Thana -PIRI BAZAR District- LAKHISARAI

Mulho @ Malahi Sada@Mulho Malahi Sada, Son of Late Khelo Sada, resident of village - Abhayapur (Ghosaith), P.S. Piri Bazar, District – Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar, Advocate.

For the Opposite Party : Mr. R.P.S.Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 24.12.2014 in connection with Piri Bazar P.S. Case No. 84 of 2014 for the offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that the informant found the dead body of his daughter at Chokra Bahiyar. Shivram Kumar, son of the deceased, was weeping. It is also alleged that Rudra Sada, the son-in-law of the informant and deceased Mungiya Devi were working at H.M.T. brick-Kiln at village- Fulmali Kurha. The informant claimed that unknown miscreants killed his daughter Mungiya Devi.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.12.2014 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. There is no eye witness to the occurrence. The petitioner is not named in the FIR.

On behalf of the State it has been submitted that there is an extra judicial confession of the petitioner where he has admitted his guilt. On the confession of the petitioner, broken cell set of the deceased was recovered from the full paint of this petitioner. The blood stains were also found. The charge sheet has been submitted for an offence under Sections 302, 376 and 201 of the IPC. It is a case of rape and murder. The relevant paragraphs of the case diary have been referred as paragraph nos. 39 and 45.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Piri Bazar P.S. Case No. 84/2014, pending in the court of the learned S.D.J.M., Lakhisarai.

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(Sudhir Singh, J)