

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.508 of 2015

Arising Out of PS.Case No. -518 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Hasibur Rahman @ Md. Shahabuddin Ansari Son of Wasi Mohammad
Resident of Village-Jatwa,P.S-Banjariya,Distt.-East Champaran

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dilip Kumar Tondon

For the Opposite Party : Mr. Parmanand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-02-2015 Petitioner is languishing in custody since
17.09.2014 in a case registered for the offences punishable
under Sections 302, 364, 120B of the I.P.C.

It is alleged that son of the informant was called by Manan through phone and subsequently son of the informant went missing. During investigation it was found that petitioner and the victim Samshad Alam had love affairs with the daughter of Manan namely Eladies Begum, hence petitioner killed the victim to remove him from triangle love. The confessional statement of Manan has been recorded in para 55 of the case diary where he stated that he and the petitioner killed the son of the informant, threw his belongings in the mud and the dead body in Sikrahana river. Though subsequently the confession of the petitioner was also recorded in para 81 of the case diary on 27.10.2014. The petitioner was

apprehended on 17.09.2014 but seizure of the clothes and belongings of the victim were made on 27.10.2014. Hence, it is submitted by learned counsel for the petitioner that recovery cannot be treated to be in pursuance to the confession of the petitioner which is more than a month of arrest of the petitioner.

It is submitted by learned counsel for the informant that all the witnesses have suggested that petitioner in order to remove the victim from triangle love story killed the victim and confessed the guilt though there is no eye witness to the occurrence.

Considering the facts aforesaid, this Court is not inclined to grant bail to the petitioner at present.

Accordingly the application is dismissed in connection with Turkauliya(Banjariya) P.S. Case No. 518 of 2014, pending in the Court of learned Chief Judicial Magistrate, Motihari.

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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