

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10398 of 2016

Arising Out of PS.Case No. -74 Year- 2014 Thana -PAKARIBARAW District- NAWADA

1. Sailendra Kumar @ Sailendra Yadav, Son of Suresh Prasad, Resident of
Village- Durga Nagar, P.S.- Giriyak, District- Nalanda. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Rajesh Kumar (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

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26-04-2016

Heard the learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Pakaribarawan P.S. Case No. 74 of 2014 registered for the offences punishable under Sections 302, 364 and 341 of the Indian Penal Code.

Allegedly, the petitioner being the driver of Bolero vehicle of the husband of the informant, demanded Rs. 1,00,000/- from the husband of the informant and then the husband of the informant went with the petitioner with Bolero after taking Rs. 1,00,000/- but he did not return and the mobile of husband of the informant and mobile of the petitioner were found switched off. In the morning the dead body of the husband of the informant and Bolero vehicle was found.

Submission is of false implication and that there was no motive to commit the murder of the husband of the informant, besides suspicion there is no other material against the petitioner,

there is no eye witness of the occurrence, the tower location of mobile of the petitioner was found at village Warsaligunj, while the dead body of deceased was found at village Gulni at Pakaribarawan and, as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. seriously opposes by submitting that the petitioner is sole accused named in the First Information Report and the petitioner was the driver of the aforesaid Bolero vehicle wherein, the husband of the informant had gone with the petitioner after taking Rs. 1,00,000/- and cause of death has been found asphyxia and nerves congestion due to strangulation and, as such, against the petitioner there is strong circumstantial evidence.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail at this stage and accordingly, his such prayer stands rejected in connection with Pakaribarawan P.S. Case No. 74 of 2014 pending in the court of learned Sub-Divisional Judicial Magistrate, Nawada..

However, considering the detention of the petitioner, let the trial be expedited and concluded, preferably within nine months after receipt or production of a copy of this order, if the trial is not concluded within the stipulated period, then the petitioner, if at no fault, may renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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