

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12923 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -KOCHADHAMAN District- KISANGANJ

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1. Shabir Alam @ Tanwir son of Sawiruddin, R/o Fulgachhi
2. Shahid Alam @ Bangru son of Abdul Rahim, R/o Taruar Banda
Both P.S.- Garbandanga, District- Kishanganj.... Petitioners
Versus
The State of Bihar... Opposite Party
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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh
For the Opposite Party/s : Mr. Pronati Singh(App)
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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-05-2016 Heard learned counsel for the petitioners and learned APP
for the Sate.

The petitioners seek bail in connection with Kochadhaman P.S. Case No. 35 of 2015 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

On the basis of fardbeyan of Heera Lal, Dafadar, this case has been registered after recovery of a dead body of unknown girl aged about 14-15 years. During investigation Md. Salim identified the dead body as of his daughter Sunhara Begum @ Putli. On the basis of call details of the mobile of the deceased names of the petitioners transpired and further they confessed their guilt and on the basis of their disclosure the mobile of the deceased was recovered from Mahi Mobile Centre.

Submission is of false implication and that there is no legal and tangible material against the petitioners. Both the petitioners have been made victim of circumstances, besides suspicion there is nothing against them, no incriminating article has been recovered from their conscious possession and in near future the trial is not likely to be concluded. They are in custody since 14.04.2015 having no criminal antecedent.

Learned APP opposes the prayer of bail by pointing out the alleged recovery of mobile of the deceased on the basis of confessional statement of the petitioners.

In the facts and circumstances stated above, considering the alleged recovery and further considering the material collected during investigation, this Court is not inclined to enlarge the petitioners on bail, accordingly, their such prayer stands rejected.

However, learned trial Judge is directed to expedite the trial and conclude the same as early as possible, preferably within six months from the date of receipt/production of a copy of this order.

(Jitendra Mohan Sharma, J)

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