

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19463 of 2016

Arising Out of PS.Case No. -108 Year- 2001 Thana -ARARIA District- ARRARIA

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Md. Nazir @ Md. Najir, son of Md. Dilo resident of village Nirpur, P.S. Dhamdaha, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate.

For the Opposite Party : Mr. Rajesh Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody in connection with Araria P.S. Case No. 108 of 2001, G.R. No. 484 of 2001, S.T. No. 133 of 2016 for the offences instituted under Sections 302 and 201 of the Indian Penal Code.

The prosecution story in brief, is that the niece of the informant namely Budhiya Khatoon had gone to the house of the petitioner about 15 days ago and after sometime the petitioner went there and said that the mother of Budhiya Khatoon is sick and she called Budhiya, upon which, the petitioner told him that she will not go at present but after Moharram, he himself will take her to his sister. It has further been alleged that on the very next



day, the petitioner came back to village Hathiyonda and stated before the maternal uncle of Budhiya Khatoon while in journey he had gone to take food and when he came back, he did not find Budhiya Khatoon at Purnea railway station and he has come back to inform them and thereafter fled away. On 05.04.2001 the villager informed that a dead body is lying in the field of wheat and on this information, the informant and other villagers went to the village Kodarkatti and saw the dead body of Budhiya Khatoon.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.01.2016. The petitioner has got no criminal antecedent. Except for the last seen, there is no other material to suggest the implication of the petitioner in the present case. There is no eyewitness to the alleged occurrence.

On behalf of the state it has been submitted that the petitioner is named in the F.I.R. He had taken the deceased along with him on the pretext that the mother of the deceased was ill. The statement of the mother of the deceased has been recorded in para-18 of the case diary, where she has stated that the deceased had never reached to her place. The case is of the year 2001 and the petitioner had been absconding for the last more than 15 years.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in

Araria P.S. Case No. 108 of 2001, G.R. No. 484 of 2001 corresponding to S.T. No. 133 of 2016, pending in the court of learned 3rd Additional Sessions Judge, Araria. Anyhow, the trial court is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of this order.

(Sudhir Singh, J.)

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