

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32346 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -MOHIUDDIN NAGAR District- SAMASTIPUR

Birendra Singh son of Late Sukhdeo Singh Resident of Villagle- Bishunpur
Beri, Tole Natiur, P.S Mohiuddin Nagar, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar

For the Opposite Party : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302, 201 and 120(B)/34 of the Indian Penal Code.

The prosecution case, as per fardbeyan of the
informant, in brief, is that there was a love affair between the
daughter of the petitioner and the deceased and for that reason,
several times the petitioner had threatened to the deceased. It is
further alleged that on 28.01.2016, in the morning, the informant
came to know that the dead body of the deceased was lying in a
ditch, where the Identity card and bicycle of the deceased as well
as love letter written in the name of the daughter of the petitioner

were also lying. Hence, the informant raised suspicion that the petitioner with the help of other persons committed murder of the deceased.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.01.2016. The charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been named in the First Information Report, merely on the basis of suspicion. There is no eyewitness to the alleged occurrence. He has falsely been implicated in the present case because there was a love affair between the daughter of the petitioner and the deceased.

On behalf of the state, it has been submitted that the petitioner has made his confession before the police in para-25 of the case diary and *gamchha* used in the strangulation of the deceased was recovered at the instance of the petitioner. The postmortem report also supports the allegation of strangulation.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected in Mohiuddin Nagar P.S. Case No. 09 of 2016, pending in the court of learned Additional Chief Judicial

Magistrate-IV, Samastipur.

Anyhow, the court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J.)

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