

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33545 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -NAWAKOTHI District- BEGUSARAI

Alijan Miyan, S/o Rahman Miyan, resident of Village - Rajjapur, P.S. - Navkothi, District - Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Gautam Kumar Yadav, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-10-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 31.03.2016 in connection with Navkothi P.S. Case No. 132 of 2015 for the offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that Yasoda Devi, the mother of the informant, was called by Hamida Bibi, the wife of this petitioner, and thereafter, she did not return and later on, her headless dead body was recovered from Brinjal field. The head was recovered at a distance of 20 Meter away and thereafter Isamul Mian told Krishnandan Mahto that this petitioner and Shabbir Alam came in the night and kept motorcycle in his house and after search from the Dickey of the said Motorcycle, blood stained shirt and other things were recovered. It is alleged that this petitioner and others were claiming the mother of the informant as

Daain and they caused threats to kill her.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. Four persons are named in the F.I.R. including the petitioner. There is no substantive evidence to suggest his implication in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. The shirt of the petitioner was recovered with blood stained. The said shirt of the petitioner was sent for F.S.L. examination. The report has been received from the Director, F.S.L. It has been reported that the same is human blood. The bail application of other co-accused has been rejected by another co-ordinate Bench of this Court vide Cr. Misc. No. 12350 of 2016.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Navkothi P.S. Case No. 132/2015, pending in the court of learned J.M. Ist Class, Begusarai. The court below is directed to expedite the trial.

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(Sudhir Singh, J)