

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54317 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

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1. Khushnama, daughter of Mainuddin, resident of village - Jhumka, Police
Station - Sikta, District - West Champaran. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 23-12-2016 Heard learned counsel for the petitioner as well as
learned APP.

Informant who happens to be mother of the deceased
had lodged Fard-e-beyan to the effect that at about 3:00 AM, when
she awoke for prayer, she found her daughter missing. While she
was making search, people came and informed that her dead body
is lying in a field whereupon, she rushed and found the dead body.
She was throttled to death.

Learned counsel for the petitioner submits that there
happens to be no direct evidence. Circumstantial evidence is also
so weak in nature whereupon, petitioner's complicity is found
shaky one. To substantiate the same, it has been submitted that no
motive has been assigned. Furthermore, to implicate petitioner,
one girl alleged to be daughter's daughter of informant, Asmat
Jahan aged about 14 years has been brought up whose statement
has been recorded under para-14 of the case diary. After going
through the same, it is evident that she had given different story



than that of informant. Further elaborating, submitted that as per informant, deceased had slept along with her but according to Asmat Jahan while deceased was cleaning utensil, she along with the deceased had gone with the petitioner to her house. Furthermore, she had not stated that she had ever said with regard to event to her maternal grand-mother, informant. Furthermore, it has also been submitted that informant giving a kick to her Fard-e-beyan had followed version of her daughter's daughter as recorded under para-43, further statement. So submitted that in the aforesaid facts and circumstances of the case, the last seen theory is also not found duly corroborated whereupon, petitioner should be released on bail.

Learned APP opposed the prayer.

Considering the statement of Asmat Jahan, for the present, I do not see it a fit case for grant of bail. Accordingly, prayer for bail is rejected.

However, petitioner, if so advised, may renew her prayer for bail after framing of charge.

(Aditya Kumar Trivedi, J)

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