

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12350 of 2016

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

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1. Sabbir Alam @ Sabbir Mian @ Md. Sabbir Mian Son of Alizan Mian
Resident of Rajjapur, Police Station- Naw Kothi, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha

For the Opposite Party/s : Mr. Md. Ansural Haque(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 04-05-2016 Heard the learned counsel for the petitioner, the

learned A.P.P. representing the State and the learned counsel for

the informant.

The petitioner seeks bail in connection with Naw
Kothi P.S. Case No. 132 of 2015 registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal Code
and Section 3/4 of the Prevention of the Witch (Daain) Practices
Act.

Allegedly, Jasoda Devi, the mother of the
informant, was called by Hamida Bibi, the wife of Alizan Mian
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 Alizan Mian and the petitioner came in the night and kept motor-cycle in his house and after search from the Dickey of the said motor-cycle, blood stained shirt and other things were recovered. It is alleged that the petitioner and others were claiming the mother of the informant as Daain and they caused threats to kill her.

Submission is of false implication and that there is no eye-witness of the occurrence, no one has seen the petitioner in the company of the deceased and without any legal and tangible material, the petitioner is suffering in custody since 05.11.2015, to which the learned APP duly assisted by the informant opposes the prayer of bail by submitting that witnesses during investigation have supported the allegation and further, Isamul Mian has stated that the petitioner and his father Alizan Mian kept the motor-cycle in his house and after sometime, the petitioner came and opened the Dickey with the help of sickle and took out shirt having blood-stain and told him to burn the same with kerosene oil to which Isamul Mian refused and then the petitioner after keeping the said shirt in the Dickey went away and as such, there is strong circumstantial evidence against the petitioner.

In the facts and circumstances stated above,

considering the aforesaid material against the petitioner, at present, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with S.T. No. 106/2016 arising out of Naw Kothi P.S. Case No. 132 of 2015 pending in the court of learned Additional Sessions Judge-1st, Begusarai.

However, considering the detention of the petitioner, let the trial be expedited and concluded preferably within nine months after receipt or production of the copy of this order.

(Jitendra Mohan Sharma, J)

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