

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16000 of 2016

Arising Out of PS.Case No. -93 Year- 2015 Thana -PURNEA SADAR District- PURNIA

- =====
1. Md. Jabir @ Sk. Jabir Son of Sk. Sanif
 2. Md. Ulfan Son of Mofis Sah Both are resident of village -Rautara P.S.- Rautara, Dist.-Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 21-07-2016 Heard both sides.

The petitioners apprehend their arrest in Sadar (Muffasil) P.S. Case No. 93/2015, registered for the offences punishable under Sections 363, 365 of the Indian Penal Code. Later on, Sections 364, 302, 120B and 201 were added.

The informant alleged that his son Md. Rafiq used to drive tempo of Dukhan Sah. On 01.03.2015 the son of informant went to drive tempo, but he did not return his home. On enquiry Dukhan Sah disclosed that son of the informant fled away with his tempo. During the course of search one Muslim informed the informant that petitioners and others killed his son and threw the dead body in wheat field. The mother of the deceased has stated

that Md. Muslim disclosed that her son was killed by the petitioners and others.

Mr. Ajit Kumar Singh, learned counsel for the petitioner submits that after eight months of the occurrence Md. Muslim disclosed about the occurrence to the mother of the informant. The statement of Muslim is not worth reliable.

It is submitted that son of co-accused Md. Anish committed rape with the daughter of the informant and for that there was enmity between the deceased and son of Md. Anish. Md. Muslim disclosed that petitioners with Md. Anish conspired with each other killed the deceased Md. Rafiq.

Considering the facts aforesaid and the nature of allegation against the petitioners, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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