

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25081 of 2017

Arising Out of PS.Case No. -43 Year- 2012 Thana -BAHADURGANJ District- KISANGANJ

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1. Sarwar Alam Son of Mehruddin, Resident of Village-Rupni Setighatta,
Police Station-Bahadurganj in the District of Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. SriDamodar Prasad Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 13-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with S.T. No.
116/2013, arising out of Bahadurganj P.S. Case No. 43/2012 for
offences punishable under Sections 376, 302, 201, 120-B of the
Indian Penal Code.

The prosecution case, as lodged by the mother of the
deceased Dilruba Begam, is that petitioner had a familiar
relationship with the informant's husband and petitioner used to
talk to the daughter of the informant. On 09.03.2012 in the evening
at 6.00 p.m. when the petitioner made a call on her mobile, her
deceased daughter picked up the mobile and started talking to



him and went outside the house, thereafter she did not return. On the next day her body was found near Satmeri Ghat and it appeared that she had been raped and strangled.

It has been submitted by the learned counsel for the petitioner that he is innocent, no one is the eye-witness and he has been falsely implicated in the aforesaid case.

However, learned APP for the State submits that the deceased daughter of the informant was seen by the witnesses talking to the petitioner near the river many times, which is evident from paragraph 66 of the case diary, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with S.T. No. 116/2013, arising out of Bahadurganj P.S. Case No. 43/2012, pending in the court of learned Addl. Sessions Judge-II, Kishanganj.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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