

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42182 of 2017

Arising Out of PS.Case No. -85 Year- 2017 Thana -SALKHUA District- SAHARSA

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Durga Kumar Paswan, Son of Darmeshwari Paswan, Resident of Village-
Mundi Chak, P.S.- Salkhua, Dist.- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 01-12-2017 Heard learned counsel for the petitioner, learned for the
informant and learned APP for the State.

Petitioner is languishing in custody since 17.05.2017 in
connection with Salkhua P.S. Case No. 85 of 2017 for offences
punishable under Sections 341, 323, 302, 379, 120B/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his daughter Runa Devi had gone along with 60,000/-,
he was informed that her dead body is lying in the field. It is
alleged that co-accused Dilip Yadav, Kabutri Devi and Brahmdeo
Yadav with whom his wife was on inimical terms must have killed
her and snatched 60,000/-.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and bears no criminal antecedent. He submits that his name surfaced only on his extra judicial confessional statement and confessional statement of one Dular Chandra before the police which has no evidentiary value in the eye of law. He submits that some of the accused person whose name surfaced during investigation has been granted the privilege of bail by a co-ordinate Bench of this Court. He further submits that he had no concern with the deceased lady and has been falsely implicated because of the highhandedness of the police and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the petitioner along with one Dular Chandra took her in the field raped her and also brutally injured her on vital organ. He submits that the said statement has been given by the petitioner and co-accused in the confessional statement and that it was a cold blooded murder after rape.

Learned APP for the State also 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 Salkhua P.S. Case No. 85 of 2017, pending in the court of learned Chief Judicial Magistrate, Saharsa.

The application is, accordingly, rejected. However, the trial court is directed to expedite the trial.

(Nilu Agrawal, J)

Devendra/-

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