

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21337 of 2017

Arising Out of PS.Case No. -229 Year- 2016 Thana -BIRPUR District- SUPAUL

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Firoj Alam, S/o Fajlu, Resident of Village - Chilmiliya, Ward No. 14, P.S.
Birpur, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-06-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in custody since 08.02.2017
in connection with Birpur P.S. Case No. 229/16 for the offences
alleged under Sections 364, 302, 120-B, 201 of the Indian Penal
Code.

The prosecution case is that son of the informant went
to the house of one Najmul on 12.09.2016, but did not return. On
17.09.2016 an alarm was raised in the village that dead body of a
child was seen in the field. After looking at the clothes he
identified the dead body of his son.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has falsely been implicated in the



aforesaid case out of personal enmity. In fact, murder has been committed by other co-accused and the petitioner has been implicated only on the basis of his own confessional statement, which has no evidentiary value in the eye of law. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the witnesses have supported the prosecution case and the petitioner was also instrumental in disposing of the dead body.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the petitioner privilege of bail at this stage in connection with Birpur P.S. Case No. 229/16, pending in the court of learned Addl. Chief Judicial Magistrate, Birpur at Supaul.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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