

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38349 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -KASBA District- PURNIA

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Md. Rahul, Son of Jan Mohammad @ Janu, Resident of Village- Pokhar
Tol Javanpur, P.S.- Kasba, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-10-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Kasba P.S.
Case No. 48 of 2017 for offences punishable under Sections 302,
34, 120(B) and 201 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that when she came to her house she did not find her sister age
19 years in the house. Next day, her dead body was found in the
maize field. From the villagers she came to know that the



petitioner along with Md. Alim and Md. Saidul was seen moving near the maize field where the dead body was found.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and it is only on the basis of confessional statement of co-accused Md. Alim and his own confessional statement that he has been made accused. He submits that there is no eye witness to the alleged occurrence and it is only on the basis of suspicion that he has been made accused and is languishing in judicial custody since 15.04.2017.

However, learned counsel for the informant and learned APP for the State oppose the prayer for bail stating therein that the deceased was brought to the house of one Md. Robi and all the four persons including the petitioner first raped her and cut her into pieces. He submits that blood stains was found in the house of co-accused Md. Robi on the earth.

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 Kasba P.S. Case



No.48 of 2017, pending in the court of learned Chief Judicial
Magistrate, Purnea.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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