

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63360 of 2017

Arising Out of PS.Case No. -46 Year- 2016 Thana -RAUTA District- PURNIA

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1. Md. Masud, Son of Late Abdul Jabbar, Residents of Village- Mangal Pur
Balu Tola, P.S.- Rauta, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 24-01-2018 Heard both sides.

The petitioner seeks bail in Rauta P.S.Case No.46 of 2016 registered under Sections 366, 504, 506, 34 of the Indian Penal Code. Later on Section 302 and 201 was added.

The learned counsel for the petitioner submitted that the prayer of the bail of the petitioner was earlier rejected vide order dated 4.4.2017 passed in Cr. Misc. No.10009 of 2017 but the trial has not yet begun. The petitioner is in jail for more than one years but it appears that the informant made very specific allegation that his daughter was married to the petitioner. Petitioner took his daughter from her house and thereafter his daughter became traceless. After three days of the occurrence, beheaded dead body of the daughter of the informant was recovered.



The learned counsel for the petitioner submits that after marriage, the deceased went to her house. When the petitioner returned, he found his wife missing and petitioner has falsely implicated in this case.

It appears that there is allegation that it was petitioner who took his wife from the house of his laws and only after 3 days of the occurrence the beheaded dead body of the of wife of the petitioner was recovered.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the same is rejected.

If the case is not committed of sessions, the learned Judicial Magistrate in sessin of the case is directed to commit the case forthwith to the Court of Sessin and thereafter the learned Sessions Judge or the transferee Court shall hold the trial on day to day basis after framing of charge and must conclude the trial within one year from the date of receipt of this order.

The S.S.P., Purnea is directed to ensure the attendance of all the prosecution witnesses of Routa P.S.Case No.46 of 2016 pending in the Court of Additional Chief Judicial Magistrate-II, Purnea so that the trial must be concluded within one year.



Let a copy of this order be sent to the learned Sessions Judge as well as the Court in session of the case and SSP, Purnea for information and needful.

(Prabhat Kumar Jha, J)

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