

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18644 of 2018

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

Md. Saidul @ Md. Saidur @ Saidur Son of Abdul Rajjak Resident of Village-
Sufee Tola Miyan Bazar, P.S. Sadar, District-Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 18-05-2018 Heard learned counsel for the petitioner and
learned APP for the State.

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

Daughter of the informant is said to have been
murdered by some miscreants and her dead body was found
dumped in the maize field of Mustafa. Preceding to the
occurrence, she was seen with Md. Alim and petitioner along
with three other accused persons were seen roaming in the said
maize field on the following day.

It is submitted by learned counsel for the
petitioner that the petitioner is quite innocent and has no



concern with the aforesaid occurrence. He has been falsely implicated in the case. There is no eye witness of the occurrence. There is nothing in the record indicating complicity of the petitioner in the occurrence barring confessional statement of co-accused Md. Alim before police, which has no evidentiary value in the eye of law. No incriminating article has been recovered from conscious physical possession of the petitioner. Though, petitioner is said to have committed rape along with other accused persons with the deceased preceding to her murder, but doctor has neither found any injury on her private part nor any spermatozoa in her vaginal swab. He has no criminal antecedent. He has been languishing in custody since 18.11.2017.

On the other hand, learned APP for the State and learned counsel for the informant vehemently opposed the bail petition and submitted that the petitioner along with other accused persons have committed murder of the deceased after committing rape on her.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Purnea in connection with Kasba P.S.
Case no. 48 of 2017.

(Prakash Chandra Jaiswal, J)

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