

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42869 of 2018

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ALIJAN MIYAN @ MD. ALIJAN MIAN @ MD. ALIJAN, Son of Late Rahman Miyan, Resident of Village- Rajakpur, P.S.- Nawkothe, District- Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arjun Prasad, Advocate.

For the Opposite Party : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-08-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 31.03.2016 in connection with Nawkothe P.S. Case No. 132 of 2015, Sessions Trial No. 106 of 2016/594 of 2016 for the offence registered under Sections 302, 201/34 of the IPC and 3/4 of Dien Act.

The prosecution story, in brief, is that Yasoda Devi, the mother of the informant, was called by Hamida Bibi, the wife of this petitioner, and thereafter, she did not return and later on, her headless dead body was recovered from *Brinjal* field. The head was recovered at a distance of 20 Meter away and thereafter Isamul Mian told Krishnandan Mahto that this petitioner and



Shabbir Alam came in the night and kept motorcycle in his house and after search, from the Dickey of the said Motorcycle, blood stained shirt and other things were recovered. It is alleged that this petitioner and others were claiming the mother of the informant as *Daain* and they caused threats to kill her.

This is third attempt on behalf of the petitioner for grant of bail.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 33545 of 2016 dated 24.10.2016 and Cr. Misc. No. 53551 of 2017 dated 03.01.2018 taking into account that the shirt of the petitioner was recovered with blood stained and same was said to be a human blood as per report of F.S.L.

A report was called for from the court below regarding the stage of the case. It has been reported that the statement of accused under Section 313 Cr. P.C. was recorded on 17.07.2018 and within a period of two months the trial is expected to be concluded.

Considering the nature of accusation and stage of case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Nawkothi P.S. Case No. 132 of 2015, Sessions Trial No. 106 of 2016/594 of 2016, pending in the court of learned IInd Additional Sessions Judge, Begusarai.



The court below is directed to take all necessary steps to conclude the trial preferably within a period of two months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)

