

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53551 of 2017

Arising Out of PS.Case No. -132 Year- 2015 Thana -NAWAKOTHI District- BEGUSARAI

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ALIJAN MIYAN MD.ALIJAN MIYAN, S/o 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. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 03-01-2018 Heard learned counsel for the petitioner, learned
counsel for the informant 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. 594 of 2016 for the offence registered
under Sections 302, 201/34 of the IPC read with Section 34 of the
Witch Craft 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.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 33545 of 2016 dated 24.10.2016 taking into account that the shirt of the petitioner was recovered with blood stained and in the F.S.L. examination it was found that it was human blood.

A report was called for from the court below regarding the stage of the case. It has been reported that out of 13 prosecution witnesses, 05 prosecution witnesses have already been examined and within a period of four months the trial is expected to be concluded.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Nawkothe P.S. Case No. 132 of 2015, Sessions Trial No. 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 within a period of four months from the date



of receipt/production of copy of this order.

The District Magistrate, Begusarai and the Superintendent of Police, Begusarai are directed to ensure that the prosecution witnesses are produced on the date fixed by the court below so that the trial court be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Begusarai and the Superintendent of Police, Begusarai.

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(Sudhir Singh, J)

