

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9370 of 2019

Arising Out of PS. Case No.-54 Year-2018 Thana- BIND District- Nalanda

TEPESHWAR CHAUDHARY @ TAPESHWAR CHAUDHARY, aged 41 years, (Male), S/o Kishori Chaudhary, Resident of village-Ambedkar Nagar, Silao, P.S-Silao, Distt.-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate and Mr. Mukesh Kumar Singh, Advocate.

For the Opposite Party : Mr.Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 09.06.2018 in a case for the offence registered under Sections 302 and 120(B) of the IPC.

The prosecution story, in brief, is that on 06.06.2018 at 10.30 A.M. while the Chaukidar of Bind Police Station was on patrolling duty, he got information that some dirty smell are coming out of well situated at Nirpur Khalsa Khand Tirpa, he reached there and found that a dead body wrapped with clothes and was packed in a plastic bag. The bag was pulled out of the well with the help of the villagers in which a headless dead body was recovered and two pieces of paper written with mobile



number was found with the dead body.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. There is no eye witness to the alleged occurrence. There is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R. The petitioner is the father of the deceased. On the confession of the petitioner, recovery has been made.

Considering the fact that the confession leading to recovery, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Bind P.S. Case No. 54/2018, corresponding to Sessions Trial No. 665 of 2018, pending in the court of learned Additional Sessions Judge-7th, Nalanda at Biharshariff.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from



the date of receipt/production of copy of this order.

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

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

(Sudhir Singh, J)

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