

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51747 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- JHAJHA District- Jamui

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SADDAM MIAN @ SADAMA MIAN, aged about 24 years, Male, Son of Ibrahim Mian @ Md. Ibrabim, resident of Village- Jamui Kharaiya, P.S. Jhajha, District-Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Binay Kumar, Advocate.

For the Opposite Party : Mr.Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 27.05.2019 in a case for the offence registered under Sections 302/34 of the IPC. Later on, Sections 376/511 of the IPC and 18 of POCSO Act have been added.

The prosecution story, in brief, is that on 26.05.2019 at about 8.30 A.M. in the morning, Nisha Kumari (deceased), daughter of the informant, alongwith her friend Jyoti Kumari had gone to attend the call of nature towards south of her house in the *Paine* where Saddam Mian (petitioner) and two unknown boys was sitting there. In the meantime, Jyoti Kumari raised hulla that Saddam Mian(petitioner) after lifting her put down on



the earth with an intention to commit rape upon her and on refusal, he killed her. Thereafter, villagers came there and saw the petitioner fleeing away towards his house. It is also alleged that prior to the present occurrence, Saddam Mian (petitioner) used to say filthy words against the daughter of the informant for the last 2-3 months. It is further alleged that when the victim used to go to attend the call of nature with her friend Jyoti Kumari, the petitioner always used to tease her in so many ways.

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. Neither the informant is an eye witness to the alleged occurrence nor there is any other eye witness to the manner of occurrence. The petitioner has falsely been implicated in the present case due to previous enmity.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation made against the petitioner. In paragraph no. 8 of the case diary, an eye witness Jyoti Kumari has specifically



stated that the petitioner after lifting her put down on the earth with an intention to commit rape upon her and on refusal, the petitioner killed her. Thereafter, she raised hulla and fled away from the place of occurrence and narrated the entire story to the parents of the deceased. When the parents of the deceased reached there, they found that the deceased was done to death by the petitioner and other co-accused persons. It is a case of rape-cum-murder.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Jhajha P.S. Case No. 141 of 2019, pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, Jamui.

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

(Sudhir Singh, J)

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