

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6037 of 2020

Arising Out of PS. Case No.-65 Year-2019 Thana- RAUTA District- Purnia

ABU @ ABUZAR Son of Abdul Rashid Resident of Village-Jamira Denga,
P.S-Routa, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nadimul Hasan, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

Mr. Mritunjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2020 The matter has been taken up through the virtual
Court proceeding.

Heard learned counsels for the petitioner, informant
and learned APP for the State.

The petitioner is languishing in custody since
07.07.2019 in a case registered for the offences punishable
under Sections 302, 201, 120B, 34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Md.
Anjar recorded by S.I. Monutosh Kumar, Routa Police Station
on 15.06.2019 at 7.30 P.M. is to the effect that the sister of the
informant (name changed), namely 'X' had illicit relationship
with the petitioner since last one year. On 17.05.2019, the
father of the informant saw the victim in objectionable
position with the petitioner in a maize field . Thereafter, the
family members decided to marry her with someone else. On



09.06.2019 at 9.30 P.M., the victim came out of the house with some cloths, ornaments and met with this petitioner and thereafter she went traceless. When the informant's side inquired about the petitioner from the family of the petitioner, they conveyed that the petitioner had gone to Bombay . On 15.06.2019, the dead body of the sister of the victim was found, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled. There is no eye witness to the occurrence and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant and learned APP for the State submit that the petitioner's confessions has been recorded in paragraph no.63 of the case diary to the effect that on the date of alleged occurrence, the petitioner established physical relationship with the victim and thereafter throttled her with her scarf and threw the dead body. In pursuance to the confession of the petitioner, the mobile phone with SIM was recovered from a river and one pair of anklets of the victim was also recovered from a nearby bridge.



Considering the fact that the confession of the petitioner led to certain recovery which suggests the complicity of the petitioner, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner in connection with Rouda P.S. Case No.65 of 2019, pending before the learned Judicial Magistrate-I, Purnea is rejected.

However, it is expected from the trial Court to expedite the trial.

(Dinesh Kumar Singh, J)

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