

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.788 of 2020

Arising Out of PS. Case No.-545 Year-2017 Thana- SITAMARHI District- Sitamarhi

Md. Munna @ Wasi Akhtar, S/o Late Md. Sukhari R/o village- Banchari, P.S.-
Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-05-2020 Heard Mr. Alok Kumar Alok, learned counsel for the

petitioner and learned counsel appearing for the State, through

video conferencing.

The petitioner seeks regular bail in connection with
Sitamarhi (punaura O.P.) P.S. Case No. 545 of 2017, registered
for the offence punishable under Sections 302, 201/34 of the
Indian Penal Code.

Prosecution case got initiated on the basis of
fardbeyan of Chowkidar, Sobrati Ansari, recorded by S.I.,
Sitamarhi alleging therein that on 17.07.2017 at 6:00 A.M.
rumour was heard that in Kharka Sareh, dead body of an
unknown woman was lying. He informed the concerned P.S.
and reached at the place and saw the dead body of a woman was
lying in the field.



Learned counsel for the petitioner submits that petitioner is not named in the FIR and he has falsely been implicated in this case merely on the basis of suspicion and on the basis of statement made by the mother and sister of the deceased.

On the other hand, learned counsel for the State vehemently opposes the prayer for bail and submits that during the course of investigation, it has come to light that prior to the date of FIR, i.e. on 16.07.2017 at 4 P.M., the petitioner had called the deceased through his Mobile phone and called her near Chak Mahila High School saying that he had returned from Ludhiana and her dead body was found in the field on the next date, i.e., 17.07.2017 by the Chowkidar.

Learned counsel for the State referring to para-16 & 17 of the case diary submits that mother and sister of the deceased have stated that petitioner had called the deceased on phone and asked her to come near Chak Mahila High School and accordingly the deceased proceeded towards the school but did not return. Learned counsel for the State after referring to para 60 of the case diary submits that the contents of the C.D.R. of Mobile phone number of the petitioner shows that the location of his Mobile phone was at Ludhiana on 14.07.17 and on 16.07.17 at about 4:00 P.M., the location was at Ring Band,



Sitamarhi and he had made several call to the deceased on her mobile number and last call was at about 7:30 P.M. Learned counsel for the State after referring paragraph-90 of the case diary submits that as per C.D.R. of Mobile number of the deceased, she had talked with the petitioner on 16.07.2017 at 5:29 P.M. and tower location was near Court Bazar, Sitamarhi. It has also been submitted by the State that after investigation, police submitted charge-sheet against the petitioner under Section 302, 201/34 of the I.P.C.

Having heard the submissions made by the parties and taking into consideration the fact that just prior to the occurrence on 16.07.2017, the mobile location of the petitioner was showing at Sitamarhi and petitioner talked to deceased several times just prior to her death, I am not inclined to grant regular bail to the petitioner and the prayer for regular bail of this petitioner is hereby rejected. However, the petitioner may renew his prayer for bail after one year from today if the trial of the case does not show any progress.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--

