

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23013 of 2021**

Arising Out of PS. Case No.-232 Year-2019 Thana- NARDIGANJ District- Nawada

Md. Shakur @ Sakruddin, Son of Abdul Kamal, Permanent Address Bheriya Rakha Gausala, P.S. Katihar, District - Katihar, At Present Katihar Rampur Chpi, P.S. Betara, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 22-12-2021 Heard the learned Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No.131 of 2020/ 10 of 2020 arising out of Nardiganj P. S. Case No.232 of 2019, instituted for the offences under Sections 364, 302 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 13.10.2020, charge-sheet has been submitted in this case and has one antecedent of a case under Excise Act being Nardiganj P. S. Case No.229 of 2019 under Sections 341, 323 and 504 of the I.P.C. read with Section 37(c) of the Bihar Prohibition and Excise Act.

The learned counsel for the petitioner submits that the informant alleges that his grand maternal son (deceased) informed his mother that he is going for dinner with the



petitioner, thereafter the deceased went to the shop of the informant and from there went with the petitioner for dinner and did not return. It is further alleged that next day an information was received that a dead body of a boy is lying near the river. Accordingly, informant went to the place of occurrence and identified the dead body of his grand son. Thereafter, it is alleged that the daughter of the informant, (mother of the deceased) after being left by her husband, was staying with the informant and petitioner wanted to marry her, but she was not willing as she had the responsibility of the deceased. Thus, it is alleged that petitioner removed the deceased, who was an obstacle in his marriage.

Learned A.P.P. on perusal of the case diary submits that petitioner has confessed his guilt recorded at Para-15 of the case diary that he had killed the maternal grand son of the informant as he was creating obstacle in marriage with the daughter of the informant.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and the allegation against him are all false and fabricated as petitioner was taken into custody in Nardiganj P. S. Case No.229 of 2019 registered under Section 341, 323, 504 of the I.P.C. read with



Section 37(c) of the Bihar Prohibition and Excise Act on 02.09.2019 itself.

The learned A.P.P. submits that for the present the submission made by the learned counsel for the petitioner is in nature of an alibi and is a defence which cannot be appreciated at the stage of bail

Considering the fact that there is a direct allegation against the petitioner that the deceased accompanied him for dinner and thereafter, his dead body was found and that the petitioner intended to marry the mother of the deceased and the deceased was an obstacle in the way of the petitioner, the Court is not inclined to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner stands rejected for the present.

However, in the event, if the trial is not concluded within a period of six months from today, the petitioner will be at liberty to renew his prayer.

(Satyavrat Verma, J)

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