

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19686 of 2020

Arising Out of PS. Case No.-420 Year-2019 Thana- FALKA District- Katihar

MD. HABIB Son of Md. Yusuf Resident of Village - Lalia, P.S.- Falka, Distt.-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 25-10-2021 Heard the parties.

The petitioner seeks bail in a case registered for the
offence punishable under Section 365 of the Indian Penal Code.

Prosecution is that the daughter of the informant
married with co-accused Md. Rafik two years from the date of
occurrence. It has been stated that the daughter of the informant
is tress less since 28.10.2019.

Learned counsel for the petitioner submits that
petitioner is innocent, not named in the FIR and has been falsely
implicated in this case. He submits that during statement of
victim recorded under Section 164 of Cr.P.C. the name of this
petitioner has been surfaced. He submits that victim is major,
there is no evidence against this petitioner in the entire case
diary and informant is not the eye witness of the occurrence. He
further submits that petitioner has no criminal antecedent as



stated in para-3 of the bail application and he is languishing in judicial custody since 20.11.2019.

However, learned APP for the State opposes the prayer for bail and submits that there is ample evidence against the petitioner and the victim has also supported the prosecution case in toto in her statement recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his payer for bail is rejected in connection with Falka P.S. Case No. 420 of 2019 pending before the court of the learned Chief Judicial Magistrate, Katihar.

Accordingly, the application is dismissed. Trial court is directed to conclude the trial within nine months.

(Anjani Kumar Sharan, J)

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