

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35839 of 2020

Arising Out of PS. Case No.-86 Year-2020 Thana- POTHIYA District- Kishanganj

1. Azad Alias Md. Azad, aged about 20 years, male, Son of Mukhtar Alam Alias Mukhtar, Resident of Village - Makhanpokhar, P.S. - Pothia, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Kumar, Adv.
For the Informant : Mr. Raju Giri, Adv.
For the State : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 3 05-03-2021 Heard Mr. Ram Pravesh Kumar, learned Advocate for the petitioner and Mr. Raju Giri, learned counsel for the informant. The State is represented by Md. Aslam Ansari, learned APP.

The petitioner seeks bail in connection with Special (P) Case No. 16 of 2020 arising out of Pothia P.S. Case No. 86 of 2020, dated 06.05.2020, instituted for the offences



under Sections 302, 376DA and 34 of the Indian Penal Code and Sections 4 and 6 of the Prevention of Children from Sexual Offences Act, 2012.

The minor daughter of the informant is alleged to have been raped and then killed and, thereafter, her dead-body was hung upside down in the field. The informant, who is the mother of the deceased, learnt from the neighbourhood that the petitioner and another were seen running away from the maize field where the dead-body of the deceased was found hanging.

Learned counsel for the petitioner has submitted that but for the suspicion against the petitioner, there is no other direct evidence to connect him with the offence.

This Court had called for the case diary on 20.01.2021, which has been received and which contains the statement of the witnesses who had seen the petitioner running away from the maize field where the petitioner does not even have his field and that also at a time it had been raining for the last two and half hours.

Considering the materials collected during the



course of investigation, I am not inclined to grant bail to the petitioner; notwithstanding the fact that he is in custody since 07.05.2020.

The prayer for grant of bail of the petitioner is, accordingly, rejected.

However, the Trial Court is directed to expedite and conclude the trial without wasting time.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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