

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9493 of 2021

Arising Out of PS. Case No.-1 Year-2019 Thana- DULHIN BAZAR District- Patna

=====

Md. Saddam, aged about 20 years, Gender- Male, Son of Hasan Raja @
Mohammad Hasan Raja, Resident of Village Kopa, PS- Dulhin Bazar,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad, Advocate

For the State : Mr. Md. Arif, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Nand Kishore Prasad, learned counsel for
the petitioner and Mr. Md. Arif, learned Additional Public
Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Dulhin
Bazar PS Case No. 01 of 2019 dated 01.01.2019, instituted under
Section 302 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as
earlier such prayer was rejected by judgment and order dated
11.12.2019 passed in Cr. Misc. No. 45796 of 2019.



5. The allegation against the petitioner is of killing his three years old niece, who was the daughter of the informant.

6. Learned counsel for the petitioner submitted that it is not believable that the petitioner, who was uncle of the deceased, would kill her. Further, it was submitted that the so-called confessional statement has been extracted by the police due to coercion as his name had already been taken in the FIR and the same is also not admissible as evidence. It was submitted that the petitioner is in custody since 02.01.2019.

7. Learned APP submitted that there is no fresh ground to reconsider the prayer for bail which was earlier rejected on 11.12.2019. He submitted that the confessional statement of the petitioner is a very natural confession as he has expressed deep resentment at the conduct of informant towards him and his parents and to take revenge, the child was killed. It was submitted that the postmortem report shows that the doctor has found injury on the face and death was due to swallowing of water, which is corroborated from the confessional statement and further that witnesses have stated that the petitioner was seen going with the deceased girl.



8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant bail to the petitioner.

9. Accordingly, the petition stands dismissed.

10. However, the Court below shall expedite the trial.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

