

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8715 of 2021

Arising Out of PS. Case No.-352 Year-2019 Thana- PURNEA SADAR District- Purnia

MD. RAFIK Son of Abdul Rashid Resident of Village - Matiya, P.S.- Sadar
tehsil, District - Purnia

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-08-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Anant Kumar 1, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Sadar Mufassil P.S. Case No. 352 of
2019 for the offences registered under Section 302 and 201(B)
of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story, on 7.7.2019 the daughter of the informant
went to meet the nature of call and did not return thereafter the
informant started searching her but he could not find her. On

9.7.2019 the dead body of the daughter of the informant was found in the bamboo clump of co-villager Salim. The informant suspected the involvement of the petitioner in the killing of her daughter as he used to look at her with amorous intentions.

Learned counsel for the petitioner submits that he happens to be the nephew of the informant and has been purposely made accused because of the land dispute. It is submitted that the dead body of the daughter of the informant was found in bamboo clump and except suspicion there is no material against the petitioner.

On the other hand learned APP for the State has opposed the prayer for bail of the petitioner. Learned APP has gone through the case diary and informs this Court that the dead body of the deceased (daughter of the Informant) was found in the bamboo clump and she was done to death by throttling her neck after committing sexual assault.

Learned APP further submits that in the case diary the witnesses have supported prosecution case and the entire prosecution witnesses indicate the involvement of the petitioner.

Considering the facts and circumstances of the case, in the nature of the seriousness of the allegation and the materials before this Court in form of the statement of the

witnesses as referred by learned APP for the State, this Court is not inclined to release the petitioner on bail.

Let the trial be expedited and all endeavors be made to conclude the trial as early as possible and preferably within a period of one year from the date of start of physical functioning of the court once the normalcy restored.

If the trial remains unconcluded for no reasons attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.