

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9213 of 2022

Arising Out of PS. Case No.-489 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rabin Sah Son Of Kailu Sah @ Kesu Sah R/O Village- Bari Sankh, Ward
No.-09, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Muffasil P.S. Case No. 489 of 2021 registered
for the alleged offences under Section 302 of the Indian Penal
Code.

As per prosecution case, the brother of the informant
was found murdered and his dead body was recovered from a
papaya field of his co-villager. The informant has alleged that
the petitioner was having illicit relationship with the wife of the
deceased and due to this fact a number of quarrels took place



between the deceased and the petitioner and the petitioner has earlier threatened the deceased that he would kill him.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. It is apparent from the FIR that the informant is not an eye-witness. The wife of the deceased namely Kiran Devi has filed a petition supported with an affidavit before the court of learned Chief Judicial Magistrate wherein she has stated that petitioner has been falsely implicated in this case as he is on inimical terms with the informant on account of their business of *kabaadi*. Nothing has been recovered from the conscious possession of the petitioner. The petitioner was arrested from his house and his confessional statement was extracted by the police and on its basis false and concocted seizure list has been prepared to justify the arrest of the petitioner. Though some recovery has been shown but the charge sheet has been submitted without obtaining its FSL report. No cogent evidence has come on record against the petitioner. The petitioner is in custody since 23.09.2021.

Learned APP opposes the prayer for bail submitting that the recovery of murder weapon and blood stained clothes of



the petitioner have been made at the instance of this petitioner from his house.

Having regard to the facts and circumstances and considering the fact of recovery of incriminating material at the instance of the petitioner in view of the serious nature of allegation against this petitioner, I am not inclined to enlarge the petitioner on bail.

Hence, his prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of one year. If the trial is not concluded within a period of one year, then the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

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