

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40200 of 2021**

Arising Out of PS. Case No.-75 Year-2021 Thana- RAFIGANJ District- Aurangabad

Md. Ibrar @ Goga @ Boga, Son of Md. Israr, Resident of Village – Sonbarsa,
P.S. - Rafiganj, Distt. - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

5 19-07-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rafiganj P.S. Case No.75 of 2021 registered for the alleged offence under Sections 302/201/34 of the Indian Penal Code.

The prosecution case is that the son of the informant left his house on his motorcycle and did not return till late night. The informant tried to search him for next three days, but did not get any informant. Thereafter, a dead body was recovered from a pond and the informant identified the dead body of his



son which was tied to his motorcycle. It was observed that probably the son of the informant was strangled and dead boy was thrown in the pond. Further, the informant has shown his apprehension that the petitioner and co-accused might have killed him due to the affair of the deceased with the sister of the co-accused.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely due to the fact that he is friend of co-accused Ali Imam with whose sister, the deceased was said to be having an affair. Nobody has seen the petitioner with the deceased. The charge sheet has been submitted in this case and the petitioner is in custody since 09.03.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner is named in the FIR and all the witnesses in the case diary have stated about his complicity in the alleged offence. In paragraph 44 of the case diary, it has been mentioned that at the instance of this petitioner, the recovery of purse of the deceased containing the voter identity card of the deceased has been made which proves the involvement of this petitioner. Further cause of death due to strangulation has been confirmed in the post mortem report.



Perused the records.

Having regard to the submissions made hereinabove and considering the fact that at the instance of this petitioner, voter card of the deceased was recovered, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The trial court is directed to conclude the trial expeditiously preferably within a period of nine months.

However, if the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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