

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45654 of 2021

Arising Out of PS. Case No.-142 Year-2021 Thana- RAJAON District- Banka

Dilip Paswan Son Of Narayan Paswan Resident Of Village - Mirzapur, Police
Station - Rajoun, District - Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-03-2022 Learned counsel for the petitioner undertakes to re-
move all the defects as pointed out by the Stamp Reporter within
two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Aslam Ansari, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Rajoun (Nawada) P.S. Case No. 142 of 2021
registered for the offences punishable under Sections 302, 201,
120(B)/34 of the Indian Penal Code. He is in custody since
20.04.2021. As per the statement made in paragraph '3', the peti-
tioner has no criminal antecedent but learned APP for the State
submits that the petitioner has got one criminal antecedent.
Learned counsel for the petitioner, however, submits that because
the petitioner has been acquitted in the said case, therefore, in
paragraph '3', no criminal antecedent has been recorded.



Learned counsel for the petitioner submits that as per the prosecution story, on 18.03.2021 the S.H.O., Nawada O.P. received information that a dead body kept in a plastic bag was lying in the pipe situated at Mahgama Dam. On this information, the informant along with his team reached there and recovered a dead body of 16 years old girl from the said bag. On inspection of the dead body, it was found that she was killed by pressing her mouth and neck.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 20.04.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the materials showing that on recovery of the dead body of the 16 years old victim girl when the investigation proceeded, the wife of the petitioner has made statement that her daughter had consumed poison and thereafter she had gone restless then her husband (the petitioner) had throttled her by her neck and killed her and then the dead body was disposed of by her husband (the petitioner), this Court is not inclined to release the petitioner on bail.

Learned counsel for the petitioner submits that though in paragraph '17' of the case diary, wife of the petitioner is said to have made such statement but it is the wife of the petitioner who



has sworn the affidavit before this Court as his parvikar and she has disputed the statement recorded in paragraph '17' of the case diary in paragraph '11' of the petition.

Considering that the wife of the petitioner is controverting her statement, in the opinion of this Court, the trial needs to be expedited. The trial court is directed to conduct the trial expeditiously and all efforts be taken to conclude the same preferably within a period of 6 months from the date of communication of this order.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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 web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

