

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43163 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- ABADPUR District- Katihar

Md. Sabbir @ Sabbir S/o Md. Mamoj @ Bahara R/o- Gwaltoli, P.S.-
Abadpur, distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Informant/s	:	Mr. Ajit K. Singh, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Abadpur P.S. Case No. 22 of 2021 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution, the informant's daughter was
strangled to death by some unknown persons. Further it is
alleged that the deceased's father received threatening calls
regarding killing of his daughter and during the course of
investigation this petitioner's name transpired in his



confessional statement and he also disclosed that the deceased and this petitioner were in illicit relationship.

The main submissions advanced by the learned counsel Mr. Sanjeev Kumar Singh for the petitioner are that except suspicion in the FIR there is no any other material against the petitioner and the prosecution mainly relied upon the statement of this petitioner and co-accused regarding their involvement in the alleged murder and in the present time the petitioner is facing trial and there is no any direct evidence against him and one co-accused namely Mujahid has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 56133 of 2021.

On the other hand, learned counsel appearing for the informant and learned APP Mr. Brajendra Nath Pandey appearing for the State have vehemently opposed the bail prayer and submitted that the bail prayer of co-accused Masiur Rahman @ Raj has been rejected by a co-ordinate Bench of this Court, after having considered the advance stage of the petitioner's case and altogether eight witnesses of the prosecution have been examined and the case of the petitioner is running for hearing and the petitioner is stated to be the main accused of the present case.



Heard both the sides and perused the FIR. The instant matter relates to murder committed by strangulation though the petitioner is not named in the FIR but as per the above submission the case of the petitioner is running for trial and all the prosecution witnesses have been examined and while rejecting the prayer of co-accused the co-ordinate Bench of this Court has directed the Trial Court to conclude the trial of the petitioner and co-accused persons preferably within a period of three months. Considering these facts, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J.)

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