

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58155 of 2021

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

Masiur Rahman @ Raj, Son of Md. Rashid, Resident of Village- Sonapur,
P.S.- Abadpur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Praveen Kumar, Advocate
For the Opposite Party/s :	Mr. Dilip Kumar No. 1, APP
For the Informant :	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 21-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Praveen Kumar, learned counsel for the petitioner, Mr. Ajit Kumar Singh, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with S.T. No. 152 of 2021, arising out of Abadpur P.S. Case No. 22 of 2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is based on the fardbeyan of the informant alleging therein that on 04.03.2021, at about 5.30 PM, the daughter of the informant, aged about 25 years, came at her Naihar from her Sasural. Thereafter the informant went to



Chikni Tola for giving milk and when the informant came to house, she did not find her daughter, then search was made and she called on her mobile no. 8603147262, but the mobile of the victim was found switched off. In the next morning on 05.03.2021 when the people gone to attend the nature's call they saw the dead body of the deceased, who was killed by strangulation with her Saree. It is further alleged that the husband of the informant informed that from a mobile no. 8828450482 threatening was being made that her daughter would be killed and the caller has disclosed his name as Raj.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. and specific allegation has been levelled against the holder of mobile no. 8828450482. However, the police implicated the petitioner on the basis of location of mobile and call detail reports of the petitioner, though there is no eye witness to the alleged occurrence nor any independent witness has stated that the petitioner was found near the place of occurrence, just before the occurrence. He further submits that in fact it is a case where the SIM of the petitioner has been misused by other persons, but on account of suspicion, the petitioner has been implicated in this case. He lastly submits that the petitioner is in custody since 10.03.2021.



On the other hand learned counsel for the informant vehemently opposes the bail application and submits that in fact during the course of investigation, the police has found that it is the petitioner, who has obtained the said number by giving his own Aadhar Card and other documents, apart from now all the charge-sheet witnesses have been examined and the trial is at the fag end and likely to be concluded in a very short period.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, apart from the fact that the trial is at the fag end, inasmuch, as all the charge-sheet witnesses have been examined, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the bail application stands dismissed.

However, it is expected that the learned trial court will conclude the trial as early as possible, preferably within a period of three months.

(Harish Kumar, J)

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