

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67663 of 2021**

Arising Out of PS. Case No.-441 Year-2021 Thana- FORBESGANJ District- Araria

Saddam, S/o Budhan @ Israil, R/o village- Rampur (South), Ward No. 06,
P.S.- Forbesganj, District- Araria Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-09-2022 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 Forbesganj P.S. Case No. 441 of 2021 registered for the alleged offences under Sections 363 and 364/34 of the Indian Penal Code and later on Sections 302 and 201 of the Indian Penal Code was added.

As per prosecution case, the informant alleged that the petitioner and co-accused Ajmul kidnapped and killed his minor son in the background of earlier dispute of the petitioner with the son of the informant.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case merely on suspicion. No occurrence as alleged has ever taken place. No reason has been given for the altercation of the petitioner with the son of the informant. There is no eye witness to the alleged occurrence. After the dead body was recovered, the confessional statement of the petitioner was recorded under the duress. The FIR was received in the court of learned Chief Judicial Magistrate after two days of its recording. The petitioner is in custody since 21.06.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that witnesses in paragraph 3 of the case diary have supported the prosecution case and in paragraph 30 of the case diary, it has been stated that the dead body was recovered at the instance of this petitioner.

Having regard to the submissions made hereinabove and considering the nature of allegation coupled with the fact that recovery of dead body has been shown at the instance of the petitioner, I am not inclined to enlarge the petitioner on bail.

Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the



trial and conclude the same preferably within a period of one
year.

(Arun Kumar Jha, J)

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