

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31558 of 2022

Arising Out of PS. Case No.-292 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Rajgir Sah @ Rajgeer Sah S/o Shri Bahadur Sah Resident of Village-Musaheb
Singh Tola, Ward No.- 9, P.S.-Sahebpur Kamal, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Nivedita Nirvikar, Sr. Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 20-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with S. Kamal P.S. Case No. 292 of 2021 registered for the offences punishable under Sections 302, 366(A), 504, 506/34 of the Indian Penal Code.

As per the prosecution, the informant's daughter was abused and threatened by this petitioner and on the alleged date and time the victim went missing.



The main submissions advanced by the learned Sr. counsel Ms. Nivedita Nirvikar for the petitioner are that though the petitioner is named in the FIR but except suspicion raised in the FIR there is no any evidence against him, the FIR was lodged two days after the victim went missing and during the investigation all the material witnesses including the mother of the victim, who firstly got the knowledge of the missing of the victim, only raised suspicion against the petitioner. Further submission is that as per the medical examination of the body of the deceased any sign of sexual assault was not found and as per the statement of the victim's mother which was recorded at later stage, the victim had love affair with this petitioner so there was no reason for the petitioner to commit her murder and as per the C.D.R. the petitioner was not in contact with the victim during the relevant period of the commission of the alleged occurrence. Further submission is that the petitioner has been languishing in jail since 01.01.2022.

Learned APP Mr. Mithlesh Kumar Khare appearing for the State has opposed the bail prayer but accepted that against the petitioner there is only suspicion raised by the material witnesses during investigation.

In view of the facts, as stated above and mainly



considering the petitioner's custody period and his young age and also the fact that all the material witnesses as well as in the FIR mainly raised suspicion against the petitioner in respect of the commission of the alleged occurrence and there is no any direct evidence to connect the petitioner to the alleged crime, in the opinion of this court, the petitioner who has fair and clean antecedent, deserves to the privilege of bail. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection Sahebpur Kamal P.S. Case No. 292 of 2021.

(Shailendra Singh, J)

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