

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41422 of 2022

Arising Out of PS. Case No.-6 Year-2021 Thana- BALIYA District- Begusarai

Md. Nisarul Haque @ Md. Nishad S/O Md. Rustam Mansoori @ Md. Rustam
Resident Of Village- Hussaina, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-01-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Ballia P.S. Case No. 06 of 2021 instituted for the offence under
Sections 306, 341, 376, 447 of the Indian Penal Code and
Section 4/8 of the POCSO Act.

As per the prosecution story, informant alleged that
when her daughter was in house at night, the petitioner came
and tried to rape her. In morning, when informant opened the
door of her daughter's room, she was found dead with a suicidal
note.

It is submitted by learned counsel for the petitioner
that petitioner is innocent and committed no offence. He has
falsely been implicated in this present case. It is further
submitted that in the alleged suicide note, neither date of



occurrence nor any overt-act is attributed. It is further submitted that after investigation, police submitted chargesheet under section 306 of IPC not under section 376. The petitioner has got no criminal antecedent. He is languishing in judicial custody since 10.3.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that in order to verify the handwriting in the suicide note written by the deceased, informant asked for the notes written earlier by the deceased and after comparing the handwriting of the submitted note and suicide note, it was found that both the handwriting are the same. It is further submitted that witnesses corroborates the prosecution story.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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