

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3415 of 2022**

Arising Out of PS. Case No.-23 Year-2021 Thana- BAUSI District- Araria

MD. TABREJ @ TABREJ SON OF LATE MD. IDRISH @ IDRIS R/O
VILLAGE- REHUWA, P.S.- BAUNSI, DISTT.- ARARIA

... .. Appellant/s

Versus

1. The State of Bihar
2. BINOD RISHIDEO SON OF AGHANU RISHIDEO R/O VILLAGE-
PACHHIYARI JHIRUWA, WARD NO. 13, P.S.- SIMRAHA, DISTT.-
ARARIA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Prasad Singh
For the Respondent No-1:		Mr. Binay Krishna
For the Respondent No-2:		Mr. Amarjeet

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 14.09.2022,
passed by Ld. 1st Additional Sessions Judge-cum-Special
Judge, Araria, in connection with Special (SC/ST) Case No.
26 of 2021 arising out of Baunsi P.S. Case No. 23 of 2021,
registered for the offences punishable under Sections 302,
201 and 34 of the Indian Penal Code and Section 3(2) (v) of
the SC/ST Act, whereby bail has been denied to the



appellant.

The prosecution case as emerging from the FIR is that on 22.02.2021, the wife of the informant went to SBIC, S.P., Madhulatta to inquire about the status of installments due for payment in regard to loan taken in regard to a tempo. But she did not return to home. It is further alleged that the petitioner and his associates killed her by strangulation.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and his name transpired only in the confessional statement of one co-accused, Md. Imran. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 23.08.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal



that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the appellant for bail submitting that there is a brutal murder of innocent lady by strangulation and the case has been found true not only against the named accused but even against the present accused-appellant and co-accused Md. Imran. There is material in the case-diary to show that co-accused Md. Imran was at the place of occurrence where the victim lady was strangled and he has confessed his guilt and disclosed the involvement of the accused-appellant in the strangulation.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the appellant on bail at this stage. As such, there is no infirmities in the impugned order.

This appeal is accordingly dismissed.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of one year, the appellant is at liberty to renew his prayer for



bail.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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