

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29614 of 2024

Arising Out of PS. Case No.-683 Year-2023 Thana- SARAIYA District- Muzaffarpur

MD. NASIR SON OF MD. ABID @ ABID HUSAIN RESIDENT OF
VILLAGE - KHANPURBERAI, P.S. - HATHAURI, DISTRICT -
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 20-08-2024 Heard learned counsel for the petitioner and learned
Additional P.P for the State.

2. The petitioner is in judicial custody in connection
with Saraiya P.S. Case No. 683 of 2023 registered under
Sections 302, 120(B) and 201/34 of the Indian Penal Code.

3. Nabi Alam is the informant of this case who is
uncle of the deceased, Hafiz Alam. As per the FIR, the
deceased was residing in a Indore with his wife. The deceased
had come to his village and the petitioner who is friend of the
deceased also came to the house of the informant. The deceased
and the petitioner both went by a motorcycle on 08.10.2023 to
the ‘*Sasural*’ of the deceased. On 10.10.2023, the informant



was got an information by someone that the dead body of the deceased was lying near the Toll Plaza. Thereafter, the informant contacted the petitioner on mobile. The petitioner made evasive replies initially and later on, he told the informant that he would come at the funeral ceremony of the deceased. The petitioner has confessed his guilt and stated that he inflicted deadly '*bamboo*' blow on the head of the deceased and after suffering the injuries, the deceased died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated except the confessional statement of the petitioner, there is nothing in the case diary and the confessional statement made before the police is not admissible in evidence. His further submission is that there is no eye witness to the occurrence in this case and it is a case of circumstantial evidence.

5. On the other hand, the learned Additional P.P., Mr. J.N. Thakur opposes the prayer for bail by submitting that in C.C. T.V. footage, the petitioner was seen with the deceased taking '*tea*' and '*biscuit*' at the Tea Stall situated near the Toll Plaza. Thereafter the dead body was recovered. The petitioner has furnished the vivid description of the entire occurrence and he has categorically stated in his confessional statement that



when the deceased sat for urination, the petitioner inflicted deadly ‘bamboo’ blow on his head resulting into his death. He further submitted that blood stained cloths and ‘bamboo’ log whereby the murder was committed were recovered on the basis of the confessional statement of the petitioner which shows that the confessional statement of the petitioner is leading to recovery of the incriminating articles.

6. Considering the above mentioned facts and circumstances especially the fact that the confessional statement is leading to recovery and soon before the occurrence, the petitioner had accompanied the deceased, I am not inclined to grant bail to the petitioner which is accordingly rejected.

(Nawneet Kumar Pandey, J)

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