

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44955 of 2024

Arising Out of PS. Case No.-170 Year-2021 Thana- BAISI District- Purnia

Md. Arshad Son of Md. Kasim Resident of Village - Baluganj, Koltola, P.S.-
Balrampur, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Baisi
P.S. Case No. 170 of 2021 instituted for the offence under
Sections 302 & 201 of the Indian Penal Code.

3. Prosecution case in short is that on 17-06-2021,
three daughters of the informant went to her relative house and
on the next morning i.e., on 18-06-2021, they came to learn that
one of the daughters of the informant, namely, Nuresa Khatoon
was not present there and on information, it was revealed that
her dead body was thrown in the field of Md. Yusuf.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 28-02-2024. Petitioner



bears one criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner transpired on the basis of suspicion and on disclosure made through CDR of mobile number, which was issued in the name of the father of the deceased. Learned counsel submits that last call on the phone of the deceased was made by one Md. Mohsin and deceased might have gone outside the house on the basis of last call made by Mohsin, who might along with other unknown persons have killed her and thrown her dead body. It is submitted that there is no eye witness to the occurrence.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He mainly submits that as many as 17 calls were made between the petitioner and the deceased on the night of the alleged occurrence. Postmortem report reveals that death caused due to asphyxia due to strangulation.

7. Considering the aforesaid facts and circumstances of the case, taking into account the fact that petitioner and deceased had made conversation as many as 17 times on the



night of the alleged occurrence, which *prima facie* shows complexity of the petitioner in this crime, as also perusing the postmortem report, this Court is not inclined to grant bail to the petitioner. Prayer is *rejected*.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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