

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48267 of 2024

Arising Out of PS. Case No.-422 Year-2023 Thana- AMAUR District- Purnia

Nazir Son Of Qutub @ Qutub Ali @ Kutub Ali Resident Of Bagh Tahir Lal
Tola, P.S. - Amour, District - Purnea

... .. Petitioner/s

Versus

The state of bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Agrawal, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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

ORAL ORDER

4 05-12-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Amour
P.S. Case No. 422 of 2023 instituted for the offence under
Sections 302 of the Indian Penal Code.

3. Prosecution case as emanate from the FIR is that on
the fateful day of 27-12-2023, unknown miscreants have
committed the murder of daughter of the informant and hanged
her dead body on mango tree.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 13-01-2024. Petitioner is a
man of clean antecedent.

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 has transpired on the basis of confessional statement of co-accused, namely, Taiyab, and the same has no evidentiary value in the eye of law. Police after investigation has already submitted charge sheet in this case. It is further submitted that there is no eye witness to the occurrence. During course of investigation, police traced CDR of the mobile of the petitioner but there is no mention that the deceased was in contact with the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 57 of the case diary, it is submitted that the tower location of the petitioner and co-accused was found at the place of occurrence and both of them came from Delhi. Postmortem report reveals the cause of death is asphyxia due to homicidal strangulation by ligature. Co-accused in his confessional statement has confessed his guilt as well as involvement of this petitioner in the alleged occurrence. Witnesses have supported the prosecution case, which find mentions at paragraph No. 43 of the case diary. It is lastly submitted that victim was also subjected to sexual intercourse



by co-accused. Hence, there being grave allegation against the petitioner, he does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, there being ample material against the petitioner in the case diary, this Court is not inclined to grant bail to the petitioner. Prayer for bail is accordingly *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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