

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41434 of 2025**

Arising Out of PS. Case No.-114 Year-2024 Thana- KADWA District- Katihar

Md. Sakir S/O Majibur Rahman R/O Singalpur, P.S- Kadwa, District -
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 15-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 431 of 2024, arising out of Kadwa P.S. Case No. 114 of 2024 registered for the alleged offences under Section 363 of the Indian Penal Code. Later on, Sections 302, 364, 201/34 of the Indian Penal were also added.

3. As per prosecution case, nine years old son of the informant went missing and subsequently, he came to know about the petitioner and co-accused Dulal Singh. who kidnapped and killed his son.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case and there is no material to show the involvement of the petitioner in the alleged crime. The statement of the informant and his wife has been recorded and from the deposition of the informant as P.W. 1, it transpired that the petitioner was apprehended on the same day when the occurrence is stated to have taken place and there was no occasion for the petitioner to pour the acid over dead body or to put salt causing it to become decomposed. Learned counsel further submits that the name of the petitioner transpired in this case on the basis of saying of one Priyanshi Kumari but the said girl has not been examined and therefore, the involvement of the petitioner on saying of the informant or his wife which is based on the statement of Priyanshi Kumari could not be believed. There is no eye witness to the whole occurrence. Nothing incriminating has been recovered from the person or possession of the petitioner or his instance. When the dead body was got putrefied and smell started emanating from it, it was recovered and the story that the dead body was recovered at the instance of Dulal Singh is not correct. Learned counsel further submits that the petitioner is having no criminal antecedent and he has been made accused in this case due to dispute over bataidari. The



petitioner is in custody since 05.05.2024 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP further submits that it has come in the deposition of prosecution witnesses that the petitioner took away the minor son of the informant and thereafter, the petitioner was apprehended and at the instance co-accused Dulal Singh the dead body was recovered lying the maize field.

6. Earlier, a report was called for from the learned trial court about present stage of trial and likely time for its conclusion. The learned trial court has reported that the prosecution evidence has already been closed and statement of the accused persons under Section 313 of the Code of Criminal Procedure has also been recorded and the case is running at the at the stage of defence evidence. Admittedly, the trial is at the fag end.

7. Considering the nature of allegation and stage of trial, I am not inclined to enlarge the petitioner on bail and hence, prayer for bail of the petitioner is **rejected**.

8. Learned trial court is directed to expedite the trial and conclude the same at the earliest in terms of its earlier



undertaking received in this Court vide letter dated 340 dated
18.07.2025.

(Arun Kumar Jha, J)

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