

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35573 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- BARAHAT District- Banka

Md. Konain Son of Md. Shamsheer Resident of Village - Barahat Durga
Pokhar, P.S.- Barahat, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-08-2019 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for bail in connection with
Banka (Barahat) P.S. Case No. 121 of 2019 registered for the
offences punishable under Sections 363 and 365 of the Indian
Penal Code to which Sections 302, 201 and 34 of the Indian
Penal Code were added subsequently.

As per allegation in the FIR, on 28.02.2019 the son
of the of the informant is said to have disappeared in the
evening at about 6 pm, for which an FIR was registered on
02.03.2019. On investigation, the name of the petitioner
transpired, when the informant gave his statement for the third
time on 04.03.2019 stating that informant's son and one Md.



Sartaz were plucking papaya from the “bari” of the petitioner. Seeing the petitioner coming there, Sartaz managed to escape while son of the informant hid himself in the aforesaid bari. Subsequently, the dead-body of the son of the informant was recovered from a well on 04.03.2019.

It is submitted by learned senior counsel for the petitioner that there is no eye witness to the occurrence. Petitioner is not named in the FIR. The informant’s son disappeared on 28.02.2019 but the FIR was registered on 02.03.2019. Further from the postmortem report, it reveals that there is no mark of any injury on the body of the deceased. Petitioner has no criminal antecedent and is in custody since 01.04.2019.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the fact that there is no eye witness to the occurrence, the case against the petitioner is based on suspicion, petitioner has no criminal antecedent and is in custody since 01.04.2019, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-



(Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 121 of 2019.

(Partha Sarthy, J)

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