

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88 of 2020

Arising Out of PS. Case No.-160 Year-2019 Thana- DAGARUA District- Purnia

MD. MUSABBIR @ MD. MUSABIR Son of Late- Sakur Resident of
Village- Bandrakh, P.S.- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-05-2020 This case has been posted before me for hearing through video- conferencing, under the orders of Hon'ble the Chief Justice, in view of Nation passing through lockdown as an aftermath of the outbreak of COVID-19 pandemic.

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case for the offence punishable under Sections 363, 365, 302, 176, 177, 182, 186, 194, 196, 201, 203, 211, 212, 202 and 120B of the Indian Penal Code.

The prosecution case as lodged by the informant is that on 25.08.2019 he went to village for necessary work and his wife and his son and daughter were at home and his wife went to bring milk and his son and daughter was sleeping on barandah over the cot. When his wife came back home then she



saw her daughter was sleeping on cot and her son was not on cot. His wife searched her son but she could not found. At that time informant came back then his wife told the story about disappearing of his son then he also searched nearby house but his son was not found then he told the story to his brother and neighbourhood and searched near village but his son could not found.

Learned counsel for the petitioner submits that he is innocent, not named in the F.I.R., the petitioner is the informant in this case and after investigation of the police the petitioner is dragged in this case. He submits that petitioner is the informant of this case and the son of the petitioner was kidnapped for which lodged this case at police station and lastly the son of the petitioner was killed.

Learned APP for the State opposes the prayer for bail and submits that during course of investigation co-accused Durdan has stated before the Judicial Magistrate under Section 164 Cr.P.C. that petitioner has killed his son and falsely implicated his brother, brother's wife and in-laws. Independent witnesses have also supported the said version.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly,



his payer for bail is rejected at this stage in connection with
Dagarua P.S. Case No. 160 of 2019 pending before the court of
the learned Judicial Magistrate-1st Class, Purnea.

Accordingly, the application is dismissed.

(Anjani Kumar Sharan, J)

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