

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26807 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- SURSAND District- Sitamarhi

MD. SAKIR DARZI S/o Md. Israil Darzi Resident of Village-Parsa, Police
Station-Sursand, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s :	Mr. Tarkeshwar Nath Thakur, APP
For the Informant	Mr. Uday Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2020 Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner, Mr. Uday Kumar, learned counsel for the informant and Mr. Tarkeshwar Nath Thakur, Additional Public Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with Sursand PS Case No. 34/2020 registered for the offence punishable under Sections 302 and 201 of the IPC.

3. The prosecution story, as per First Information Report, is that the brother of the informant left his house in the evening on the date of occurrence and in the next morning, he came to know that a dead body is lying in the field of one Yugal Rai. When the informant proceeded towards the place of occurrence, he saw some blood stains on the pump set of one



Bhulun Sah and further found that the dead body of his brother lying in the field of Yugal Rai. Blood was oozing out from the eyes and ears of the brother of the informant with some strangulation mark on his neck.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and he has been implicated in this case on the basis of confessional statement of a co-accused. Learned counsel further submits that there is no eye witness to the incident and the petitioner has unnecessarily been dragged in this case and is in custody since 24.02.2020.

5. On the other hand, learned counsel for the informant referring to the case diary, submits that the confessional statement of the co-accused gives a vivid description of commission of crime showing the involvement of the petitioner. Independent witnesses also in paragraphs-11 and 12 have stated that they had seen the deceased along with the petitioner in the same evening just before the commission of crime and there is circumstances against the petitioner.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioner was last seen with the deceased, I am not inclined to grant regular bail to the petitioner. Accordingly,



the prayer for bail of the petitioner is rejected at this stage.

7. However, petitioner, if so advised, may renew his prayer for bail after six months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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