

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27357 of 2020

Arising Out of PS. Case No.-32 Year-2020 Thana- BIDUPUR District- Vaishali

MD. SONU Son of Md. Majid @ Masid Resident of Village- Samanpura,
P.S.- Shastrinagar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kishore Kumar Thakur, Advocate
For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-11-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Ashok Kumar, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Bidupur. PS Case No. 32 of 2020 registered under Sections 302 and 120(B) of the IPC.

The allegation of the prosecution is that the informant's son was sleeping at the Poultry Farm. He has been found murdered in the morning.

It is submitted that the deceased had gone to sleep in the Poultry Farm with other co-accused persons (his friends). One co-



accused namely Yadavji in his confessional statement has stated About the victim being done to death by sharp cutting weapon in view of the dispute between the friends including the petitioner over some issue.

Learned Counsel for the petitioner submits that there is stark contradiction in the prosecution case stated in the FIR and the statement of the co-accused forming basis of the petitioner's implication contained in para 82 of the case diary. The FIR disclosed that the throat was seen slit open from the window, whereas in the confessional statement of co-accused Yadavji he has stated that several stab injuries were inflicted upon the deceased. The petitioner is in custody since 13.5.2020.

Learned APP referring to the post mortem report has submitted that several incised wounds have been found. The confessional statement of co-accused stand corroborated by the post mortem report. The victim has been done to death in a heinous way.

Considering the rival submissions this Court for the present is not inclined to allow the prayer.

The prayer for bail is rejected.

(Madhuresh Prasad, J)

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