

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30241 of 2020

Arising Out of PS. Case No.-285 Year-2019 Thana- KUDHNI District- Muzaffarpur

MD. AZAD S/o Md. Mustkim R/o Vill.-Chota Sumera, P.S.-Kudhani, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Nityanand Tiwary, the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Kudhni P.S. Case No. 285 of 2019 for the offence registered under Sections 302 and 120 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, according to the informant, is that on 04.05.2019 the accused persons namely Amit Kumar and Tilak Sharma had come to his house and had taken away his son namely Jawed Akhtar, whereafter his son had returned at about 7:00 p.m. in the evening and then he had eaten his food and had slept on a cot outside the house. It is further



alleged that in the night at about 9:00 p.m., the aforesaid two boys had again come at the house of the informant and had taken the son of the informant to the hardware shop of Amar Sah which was closed and at that place accused persons namely Prem Sah was also present. The son of the informant is stated to have returned back at about 11:00 p.m. in the night and started watching match on his mobile phone while lying on his cot. In the morning, the informant came to know at about 5:00 a.m. that the dead body of his son is lying in the bamboo orchard, whereafter the informant, his son and others had gone there and found the dead body of his son and blood was oozing out from the right temple of the son of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that except suspicion there is no material on record to show the complicity of the petitioner in the alleged crime. It is also submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court by order dated 03.06.2020 passed in Criminal Misc. No. 64306 of 2019. Lastly, it is submitted that the petitioner is languishing in custody since 17.02.2020.



Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a coordinate Bench of this Court as also considering the fact that prima facie there is minuscule evidence available in the case dairy so as to connect the petitioner with the alleged crime, except suspicion and the petitioner is languishing in custody since 17.02.2020, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Muzaffarpur in connection with Kudhni P.S. Case No. 85 of 2019.

(Mohit Kumar Shah, J)

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