

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30858 of 2020

Arising Out of PS. Case No.-162 Year-2019 Thana- PARSABAZAR District- Patna

MD. WASIF @ WATIB S/O Md. Ashraf @ Asharaf Hussain R/O Mohalla -
Bauli, Phulwari, P.S. Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-11-2020 Due to COVID-19 Pandemic, the matter is being taken up
by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 302, 201/34 of the Indian Penal Code.

Prosecution case in short is that son of the informant went
outside at 8.00 p.m. saying that he will return within some
moment. The mobile phone of the informant’s son was charging



at home. It is further alleged that the informant's did not return and thereafter, the informant tried to search for him. It is further stated that the dead body of the informant's son was found lying in the dig near Peepal tree situated at Chihut Khanda Nigrain.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 09-07-2019. Charge sheet/Prosecution report in this case has already been submitted. The petitioner has been falsely implicated in the present case. The petitioner is not named in the FIR. His name transpired in this case on the basis of confessional statement of co-accused Abhishek Kumar. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioners in the present case. The other co-accused with similar allegation has been granted bail by a coordinate bench of this court vide order dated 28-05-2020 passed in Cr. Misc. No. 5122 of 2020.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, 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 District & Sessions Judge-XIII, in connection with
Session Trial No. 1041 of 2019 arising out of Parsa Bazar P.S.
Case No. 162 of 2019.

(Sudhir Singh, J)

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