

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33643 of 2020

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

MD. IDU Son of JABBAR MIYAN Resident of Village - Parsa, P.S.-
Sursand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2020 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 defects, as pointed out by the Office, within a period of four
weeks from the date of restoration of normalcy.

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

The petitioner seeks bail in Sursand P.S. Case No.
34/2020 instituted for the offences under Sections 302/201 of the
Indian Penal Code.

The prosecution case in short is that the brother of the
informant went missing and later his dead body was recovered from a
field.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.2.2020 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of his self confession made before the police under Section 161 Cr.P.C.. Further, in course of investigation, the examined witnesses have stated that the petitioner was seen with the deceased. At best, it is a case of last seen. Except for this, there is no other substantive evidence to suggest his implication in the present case.

On behalf of the State and the informant, it is submitted that it is a case of last seen and the bail of the co-accused, similarly situated, has been rejected by a coordinate Bench of this Court vide Cr. Misc. NO. 26807/2020 with an observation at this stage.

Considering the aforesaid facts and circumstances and maintaining parity of order passed by a coordinate Bench of this Court, the present application filed for grant of bail to the petitioner is rejected at this stage. If so advised, the petitioner may renew his prayer for bail after four months in case no substantive progress is made in the trial.

Pankaj/-

(Sudhir Singh, J)

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