

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15646 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- MOTIPUR District- Muzaffarpur

MD KHURSID Son of - Niyamuddin Residen of Village - Pana Chhapra, P.S.
- Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shivam
For the Opposite Party/s :	Mr. Anish Kumar
	Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302,34 of the Indian Penal Code.

As per the prosecution case, on 01.07.2020 at about 8 PM this petitioner along with two other FIR named accused persons and took the son of informant on some pretext to canal. Thereafter, at 09.15 PM the informant got information that her son has been killed by cutting his neck. The informant suspected that this petitioner and other accused persons committed murder of her son. The reason for the murder is alleged that one week prior to the occurrence all the accused persons including this petitioner had threatened the deceased with dire consequences.



Learned counsel appearing for the petitioner submits that petitioner has been made accused in this case only on suspicion. The informant is not an eye witness of the occurrence. At best it is a case of last seen. It is further submitted that the prosecution has tried to suppress the earliest version and other materials in the present case because it does not appear from the investigation report as to where the dead body was lying, who prepared the inquest report or even the inquest report was prepared or not and when the dead body challan was prepared for the sending the dead body for post mortem. It is further submitted that during the course of investigation it has come that deceased had some intimacy with sister of this petitioner and deceased attacked the petitioner with knife and during scuffle deceased got injuries and died. Petitioner is in custody since 02.07.2020.

Learned counsel appearing for the State opposes the prayer for bail and submits that during the course of investigation many witnesses have seen this petitioner fleeing away from the place of occurrence and the petitioner in his confessional statement narrated the entire occurrence and stated about his complicity in killing the son of informant.

Considering the nature of allegation, gravity of the



offence and material that has come during the course of investigation, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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