

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15713 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- JOGBANI District- Araria

MD. IZRILE Son of Md. Rasul Resident of Village- Bajjalpur, Ward No. 11,
P.S.-Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Jogbani P.S. Case No. 173 of 2020 registered under sections 363 and 365 of the Indian Penal Code to which sections 302 and 201 of the Indian Penal Code was added subsequently.

As per allegation in the F.I.R., the son of the informant accompanied the two accused persons including the petitioner herein who were the driver and khalasi of the truck to reach them to their truck with an umbrella as at the relevant time, it was raining. It is stated by the informant that on his son not returning, he became apprehensive and on reaching where the the truck was parked, he found one of the accused persons



who on enquiry disclosed that his son had returned then itself. It is stated that as inspite of search his son was not to be found, he was apprehending some misdeeds and thus the F.I.R.

It is submitted by learned counsel for the petitioner that from perusal of the F.I.R. itself, it would transpire that the suspicion raised against the petitioner is misplaced and without any basis. It is submitted that if the petitioner and one another had been responsible for any mischief leading to the death of the son of the informant, they would not have continued to wait for the informant to come there but would have moved on in their vehicle. It is finally stated that at best, the case against the petitioner is one of last seen. The petitioner is in custody since 14.7.2020, he has no criminal antecedent and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R., the submissions made on behalf of the petitioner, petitioner having remained in custody for over one year and investigation in the case having concluded, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on



bail in connection with Jogbani P.S. Case no. 173 of 2020 on
furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of the
learned Chief Judicial Magistrate, Araria.

(ParthaSarthi, J)

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