

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16855 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- PHULWARISHARIF District- Patna

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IZAZUL @ DILAWAR @ MD. IZAZUL S/o Md. Eliaas R/o Mohalla-
Samanpura, Vilal Maszid, P.S.- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 14096 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- PHULWARISHARIF District- Patna

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VINOD KUMAR MANJHI @ VIJAY MANJHI Son of Vinay Maujhi
Resident of Mohalla- Khajpura, Mourya Path, (Mashahari), P.S.- Shastri
Nagar, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 16855 of 2021)

For the Petitioner/s	:	Mr.Arvind Kumar Mouar, Adv.
For the Informant	:	Mr.Sajid Salim Khan, Adv.
		Mr.Ram Pravesh Narain Tiwari, Adv.
For the State	:	Mr.Tarun Prasad Mandal, APP

(In CRIMINAL MISCELLANEOUS No. 14096 of 2021)

For the Petitioner/s	:	Mr.Arvind Kumar Mouar, Adv.
For the Informant	:	Mr.Sajid Salim Khan, Adv.
		Mr.Ram Pravesh Narain Tiwari, Adv.
For the State	:	Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-08-2021 Heard learned counsel for the parties through video
conferencing.

The petitioners have preferred these applications for



grant of regular bail in a case registered under sections 302 and 201 of the Indian Penal Code.

As per allegations in the F.I.R., it is stated by the informant that on his son not returning home, he started to search for him. In course of search, he was shown the photograph of a dead body by the Munshi of the police station. Seeing the photograph, he identified the same as his son who had died. He states that he does not suspect any person.

It is submitted by learned counsel for the petitioners that the F.I.R. was registered against unknown. The name of the petitioners transpired in course of investigation when it was stated by the brother-in-law of the deceased that he had seen the deceased with the petitioners. It is further submitted that in course of investigation, the only material that has transpired is the information of the petitioners given by the spy followed by the brother-in-law and father-in-law and ultimately the confessional statement of the two petitioners herein made before police. It is submitted that the same is inadmissible. The petitioners are in custody since 24.4.2020 and investigation in the case has concluded. They have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel appearing for the informant



who submits that the brother-in-law of the deceased in his statement under section 161 Cr.P.C. on 18.3.2020 itself stated about the deceased being seen in the company of the two petitioners herein. It is submitted that in course of investigation besides the two petitioners confessing to their guilt, the statement of the witnesses Tribhuwan Paswan was recorded who saw the deceased in company of the petitioners with Dina Paswan. The said Dina Paswan in his statement recorded in paragraph no.69 of the case diary stated about the deceased going with the petitioners and thereafter the petitioners returning with the dead body and taking it away for its disposal. It is thus submitted that the chain of circumstances and the evidence being complete with respect to these two petitioners having committed the murder of the son of the informant, the application for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material that has transpired in course of investigation, the petitioners being in custody since 24.4.2020 and the case being one of last seen, the two petitioners are directed to be enlarged on bail in connection with Phulwarisharif P.S. Case no.197 of 2020 on each of them furnishing bail bond of



Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of the learned Additional Chief
Judicial Magistrate IX, Patna.

(Partha Sarthy, J)

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