

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18799 of 2021**

Arising Out of PS. Case No.-367 Year-2020 Thana- JOKIHAT District- Araria

Dr. Barish @ Warish @ Md.Warish Son of Suleman Resident of Village-
Bhagwanpur, P.S.- Jokihat (Mahalgaon), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shashank Shekhar
For the Opposite Party/s :	Mr.Abhijit Gautam
	Mr.Ram Anurag Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 24-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Jokihat (Mahalgaon) P.S.
Case No. 367 of 2020, registered for the offence under Sections
302 / 201 / 34 of the Indian Penal Code.

As per the prosecution case, on 03.10.2020 at about
7:00 AM, the son of the informant went to the chemist shop of
this petitioner and thereafter, at around 12 o'clock, this
petitioner informed the daughter of informant on phone that her
brother had stolen a fever checking machine, then on
04.10.2020, when the informant went to the shop of the
petitioner to enquire about her son, the petitioner told that he
had caught the informant's son, but later, left him away. It is



further alleged that when elder son of informant enquired from the petitioner regarding missing of his brother, this petitioner is alleged to have abused him and assaulted by fists and kicks. On 05.10.2020, someone informed that an unidentified body is floating in water and both hands are tied with plastic rope and saline pipe. The informant suspects that her son has been killed by this petitioner alongwith other FIR named accused and two other unknown by twisting the neck of her son.

It is submitted on behalf of petitioner that there is no eye-witness the said occurrence. There is no enmity between the petitioner and informant side and as such, there is no motive for this petitioner to commit such crime. The recovered article with the dead-body has got no connection with this petitioner. Petitioner is in custody since 05.12.2020.

However, learned A.P.P. for the State opposed the bail petition and submitted that during course of investigation, many witnesses have supported the prosecution case and stated that this petitioner was seen beating the deceased. In paragraph – 69 of the case diary, the statement of one Istiyaq has been recorded, who has got chicken shop near the medicine shop of this petitioner, and he stated that this petitioner alongwith other co-accused assaulted the deceased for stealing the thermometer.



Considering the aforesaid facts and circumstances, I
am not inclined to grant bail to the petitioner and same is,
accordingly, rejected.

(Prabhat Kumar Singh, J.)

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