

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22273 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- MURLIGANJ District- Madhepura

PHANTUSH KUMAR S/o Dinesh Singh R/o village- Sadakdauriya, P.S.- K.
Nagar, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-12-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 365 of the Indian Penal Code to which sections 302 and 201 of the Indian Penal Code were added subsequently.

As per the allegations in the F.I.R., the brother of the informant was taken away by the petitioner herein. Thereafter inspite of attempt, the informant was unable to contact him on his mobile phone which was continuously switched off.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From perusal of the F.I.R. itself, it would transpire that there is no eye witness to the occurrence and only a suspicion has been raised



against the petitioner. Even accepting the allegations in the F.I.R. for the sake of argument, it is submitted that at best it would be a case of last seen against this petitioner who is in custody since 15.9.2020 and has no criminal antecedent. Co-accused Sintu Kumar has been enlarged on bail vide order dated 22.10.2021 passed in Cr. Misc. no.20685 of 2021.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for 1 year 2 months and grant of bail to co-accused Sintu Kumar, the Court directs the petitioner to be enlarged on bail in connection with Murliganj P.S. Case no.55 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, Madhepura.

(Partha Sarthy, J)

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