

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31963 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- SURSAND District- Sitamarhi

MD. SAKIR DARZI, S/o Md. Israil Darzi, R/o village- Parsa, P.S.- Sursand,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Ganesh Prasad, APP
For the informant :	Mr. Uday Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2021 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sursand Police Station Case No. 34 of 2020, registered for the
offences punishable Sections 302, 201 of the Indian Penal Code.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
19.10.2020, passed in Criminal Misc. No. 26807 of 2020, giving
liberty to the petitioner to renew his prayer for bail after six
months from the date of the order, if the trial does not show any
progress.



The prosecution story, as per First Information Report, is that the brother of the informant left his house in the evening on the date of occurrence and in the next morning, he came to know that a dead body is lying in the field of one Yugal Rai. When the informant proceeded towards the place of occurrence, he saw some blood stains on the pump set of one Bhulun Sah and further found the dead body of his brother lying in the field of Yugal Rai. Blood was oozing out from the eyes and ears of the brother of the informant with some strangulation mark on his neck.

Learned counsel for the petitioner submits that the name of the petitioner has transpired on the basis of confessional statement of co-accused and there is no eye witness to the occurrence. He further submits that the petitioner is in custody since 24.02.2020 and charge sheet has already been submitted against the petitioner, as such, there is no likelihood of the petitioner being abscond or tamper with the evidence. He further submits that there is no progress in the trial after rejection of bail application filed by the petitioner. He next submits that at best this is the case of circumstantial evidence.

On the other hand, learned counsel for the informant submits that the petitioner was seen in the company of the



deceased in the evening just before the commission of crime and there are circumstances against the petitioner that he committed the offence along with other accused persons.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is in custody since 24.02.2020, charge-sheet has already been submitted in this case, due to pandemic, no progress has been shown in the trial and this is second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi, in connection with Sursand Police Station Case No. 34 of 2020.

(Anil Kumar Sinha, J)

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