

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27465 of 2020**

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

MD. ASHFAQUE S/o Md. Raphik Darji @ Raphik Darji Resident of Village-  
Parsa, P.S.-Sursand, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Asho Kumar, A.P.P.

For the Informant: : Mr. Uday Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      11-01-2021                      Heard Mr. Pushpendra Kumar Singh, learned counsel  
for the petitioner, Mr. Uday Kumar, learned counsel for the  
informant and Mr. Ashok Kumar, Additional Public Prosecutor  
for the state .

2. Petitioner seeks regular bail in connection with  
Sursand PS Case No. 34/2020 registered for the offence  
punishable under Sections 302 and 201 of the IPC.

3. 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.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and he has been implicated in this case on the basis of confessional statement of a co-accused. Learned counsel further submits that there is no eye witness to the incident and the petitioner has unnecessarily been dragged in this case and is in custody since 12.02.2020.

5. On the other hand, learned counsel for the informant referring to the case diary, submits that the confessional statement of the co-accused gives a vivid description of commission of crime showing the involvement of the petitioner. Independent witnesses also in paragraphs-11 and 12 have stated that they had seen the deceased along with the petitioner in the same evening just before the commission of crime and there is circumstances against the petitioner. The learned counsel for the informant further submits that the prayer of one other co-accused person for grant of regular bail has already been rejected by a co-ordinate Bench of this Court by order dated 19.10.2020 passed in Cr. Misc. No. 26807 of 2020



6. Having regard to the submissions made by the learned counsel for the parties, taking into consideration the material available on record, as also taking into account the fact that the petitioner was last seen with the deceased, I am not inclined to grant regular bail to the petitioner, specially in view of the fact that the prayer of similarly situated co-accused person has already been rejected by a co-ordinate Bench of this Court. Accordingly, the prayer for bail of the petitioner is rejected at this stage.

7. However, petitioner, if so advised, may renew his prayer for bail after six months from today, if the trial does not show any progress.

**(Mohit Kumar Shah, J)**

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