

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31295 of 2020

Arising Out of PS. Case No.-1094 Year-2019 Thana- PHULWARISHARIF District- Patna

CHAITU KUMAR @ SHIKANDAR @ CHAITU NONIYA Son of Ramjee Mahto @ Ramjivan Mahto Resident of Uteri Sangat, P.S.- Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ghanshyam Tiwary, Advocate
For the State	:	Smt. Renu Kumari, APP
For the Informant	:	Mr. Ashhar Mustafa, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-01-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in Phulwarisharif P.S. case No.1094 of 2019 registered under Sections 363, 365, 302, 201, 147, 149 of the Indian Penal Code, pending in the court of Sub Judge IX, Patna.

Allegation is that the informant given written report on 21.12.2019 before the Officer-in-charge of Phulwarisharif Police Station that his son, namely, Amir Hanjala is traceless. The informant further stated that the son of the informant had gone to locality of Tamtam Paraw Phulwarisharif and till 11 0'clock his son did not return.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.01.2020. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come in this case on self confession. The petitioner has been made accused due to mistake of fact.

On behalf of the State and counsel for the informant, it is submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation. The confession of the petitioner has led to recovery of dead body of the deceased along with the mobile phone.

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

The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Narendra/-

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