

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37413 of 2020

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

Raja Noniya, aged about 22 years, Male, son of Moti Mahto, R/o Utari
Sangat, P.S.- Phulwari Sharif , District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ghanshyam Tiwary, Advocate
For the Informant	:	Deepak Kumar Singh, Advocate
For the State	:	Mr.Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 1094 of 2019 registered for the
offences punishable under Sections 363, 365, 302, 201, 147, 149
of the Indian Penal Code.

The informant namely Sohaib Ahmad given his
written report before the officer incharge of Phulwari Sharif
Police Station and stated that the son of the informant Amir
Hanjala aged about 18 years, traceless and the informant further
stated that the son of the informant gone to locality at Tamtam
Paraw Phulwari Sharif and till 11 'O' clock night the son of the
informant not return thereafter present case lodged by the



informant.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and the petitioner has falsely been implicated in the present case. He further submits that on the basis of confessional statement of co-accused, the petitioner has been made accused in the present case. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Co-ordinate Bench of this Court vide order dated 11.01.2021 passed in Cr. Misc. No.29734 of 2020. The petitioner is in jail custody since 21.01.2020.

Learned counsel for the informant submits that on the basis of confessional statement of the other co-accused, the dead body is said to have been recovered and the said co-accused has also taken the name of the present petitioner.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner on bail. Accordingly, the prayer for bail of the above named petitioner in connection with Phulwari Sharif P.S. Case No.1094 of 2019 pending in the court of learned Sub Judge-IX cum A.C.J.M.-IX, Patna is hereby rejected. However, the petitioner may pray for



bail before the court below and the court below is directed to
release the petitioner on bail after framing of charge.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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