

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2974 of 2021

Arising Out of PS. Case No.-354 Year-2019 Thana- JAYNAGAR District- Madhubani

MD. AZMAL RAIN @ MD. AZMAL RAYEEN, son of Md. Alam Rain @
Md. Alam, resident of village-Korahiya @ Korahia, Police Station-Jai Nagar,
District Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the State Mr. J.K.Singh, APP.

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 07-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through video conference. Learned counsel for
the petitioner has filed an undertaking that all defects pointed
out by the stamp reporter shall be removed, and compliance
with the conditions of the notices of this Court with regard to
acceptance of e-filing shall be made, without delay immediately
upon resumption of normal physical functioning of the Court,
and in any event within one month thereof.

2. The petitioner, who is in custody since 23.07.2019,
has renewed his prayer for bail in connection with Jai Nagar
P.S.Case No. 354 of 2019 (S.T.No.465 of 2019), having earlier
been rejected by order dated 17.03.2020 in Cr. Misc. No. 83960
of 2019 for the alleged offences under Sections 302, 201 and
120(B) of the Indian Penal Code.

3. Mr. Yogesh Chandra Verma, learned Senior
Counsel submits that the petitioner has already completed
almost two years in custody. It is reiterated that except on the



theory of the last seen, there is no other material against the petitioner. It is submitted that on the last seen theory alone, the prosecution cannot succeed in absence of other materials. It is also submitted, on instructions, that trial is ongoing and two prosecution witnesses have been examined so far.

4. Having heard the learned counsel for the petitioner as well as the learned APP for the State, this Court is not inclined to take a different view in the matter of granting bail to the petitioner at this stage. The petition stands dismissed.

5. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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