

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4345 of 2021

Arising Out of PS. Case No.-312 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

Muddasir Alam @ Mudassir Alam aged about 21 years, Male, Son Of
Mehboob Alam Resident Of Village - Handibhasa (Dakshin Tola), Police
Station - Kochadhaman, District – Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bindhyachal Singh Mr.Ram Binod Singh
For the Opposite Party/s :	Mr.A.P.P. Mr.Ram Prawesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 21-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kochadhaman P.S. Case No. 312 of 2019, registered for the offence under Sections 363, 366(A) of the Indian Penal Code and later on, Section 302/201 of the I.P.C. was added.

As per the prosecution case, the daughter of the informant disappeared from her home on 25.12.2019 and in course of search, from the mobile of daughter of the informant, it was found that this petitioner had made call on her mobile and asked her to come to L.R.P. Chowk.

It is submitted on behalf of petitioner that petitioner is innocent and has been made accused in this case only on the



basis of call details record (C.D.R.) of the victim's mobile phone. Though, the occurrence is said to have taken place on 25.12.2019, but the F.I.R. has been lodged on 27.12.2019 i.e. after two days without any plausible explanation. There is no eye-witness to the occurrence. The confessional statement of co-accused has got no evidentiary value in the eye of law. Petitioner claims clean antecedent and he is in custody since 28.12.2019.

However, learned counsel for the informant has opposed the bail petition and submitted that on the disclosure made by this petitioner, the dead-body of the deceased (victim) has been recovered. In support of this submission, he has referred to paragraph – 11 of the case diary.

Considering the aforesaid facts & circumstances and the fact that dead-body was recovered on the disclosure made by this petitioner, the bail petition of petitioner stands rejected. However, considering the fact that petitioner is in custody since 28.12.2018, the learned trial court is directed to conclude the trial as early as possible.

(Prabhat Kumar Singh, J.)

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