

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28105 of 2021

Arising Out of PS. Case No.-429 Year-2020 Thana- JHAJHA District- Jamui

1. MD. SARFARAZ Son of Md. Mumtaj Resident of Village- Belatawa, P.S.- Jhajha, District- Jamui
2. Md. Meraj Son of Md. Mumtaj Resident of Village- Belatawa, P.S.- Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Satya Prakash Parasar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-02-2022 At the outset, it is submitted by learned counsel for the petitioners that petitioner no. 1 having been enlarged on bail after being declared a juvenile, the instant application is confined to the petitioner no. 2 only.

Heard learned counsel for the parties through video conferencing.

The petitioner no. 2 has preferred this application for grant of regular bail in a case registered under sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioners are said to have taken the son of the informant where after he did not return. In spite of inquiries made by the informant, no



information was given by the petitioners. The informant states that he suspects that the petitioners have killed his son and thrown him by the side of railway line.

It is submitted by learned counsel for the petitioner no. 2 that from the allegations in the FIR as also from the material that has transpired in course of investigation, the case against the petitioner no. 2 is at best of last seen. The petitioner no. 2 is in custody since 25.1.2021. There is no eye witness to the occurrence and charge sheet has been submitted in the case. The petitioner no. 2 has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only it was the petitioners who took away the son of the informant whereafter his dead body was recovered but from the material that has transpired in course of investigation the petitioners have motive to commit the crime.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner no. 2 having remained in custody for 1 year, the Court directs the petitioner no. 2 to be enlarged on bail in connection with Jhajha P.S. Case no. 429 of 2020 (G.R. no.



3571 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees
Ten Thousand) with two sureties of the like amount each to the
satisfaction of the learned C.J.M, Jamui.

(Partha Sarthy, J)

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