

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24295 of 2022

Arising Out of PS. Case No.-296 Year-2021 Thana- MUFFASIL District- West Champaran

Mukesh Kumar Sharma @ Mukesh Rai Son Of Late Sekhar Rai @
Chandrasekhar Rai R/O Village- Karanneya Ward No.-6, P.S.- Bettiah
Muffasil, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that as per the information received on telephone by his Bhabhi from the land lady in whose rented premises the brother of the informant resided, she was informed that the informant's brother had left in the night of 28.4.2021 and has not returned.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. In course of investigation it transpired that the Bhabhi of the informant was



on friendly terms with one Milan Rai and the petitioner happens to be the cousin (Mouserai) brother of the said Milan Rai. No material has transpired in course of investigation to connect the petitioner with the alleged crime. Accepting the prosecution case as has come in course of investigation, at best the case against the petitioner would be of last seen and this fact has also come in the statement of the witnesses which was recorded several months after the alleged occurrence. The petitioner is in custody since 24.9.2021 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of material that has transpired in course of investigation with respect to the petitioner together with the petitioner having remained in custody for 1 year 3 months since 24.9.2021, the Court directs the petitioner to be enlarged on bail in connection with Mufassil (Manuapul) P.S. Case no. 296 of 2021 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 CJM, Bettiah.

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(Partha Sarthy, J)

