

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76941 of 2024

Arising Out of PS. Case No.-530 Year-2024 Thana- MASAUDHI District- Patna

Md. Gulzar Son of Md. Nasim Resident of Mohalla- Rahmatganj, Sabnam Dr.
Ke Gali, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 27-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363 and 365 of the Indian Penal Code and subsequently, section 302/201 of the Indian Penal Code was added.

3. The case of the prosecution is that the petitioner who was the informant of this case has stated that his son, namely, Chikku had gone with him on 24.06.2024 at about 6:30 P.M. at Masaurhi railway station for getting relief from summer. It is further stated that his son got missing while playing. His son was aged about two years. He searched his son and also made announcement but he could not find his son. After two days, the dead body of his son was found. Hence the



present FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that the petitioner has implicated in this case on mere suspicion. Moreover, the petitioner is languishing in judicial custody since 26.06.2024 having no criminal antecedent.

5. Learned APP appearing for the state has opposed the prayer of regular bail stating that during the course of investigation, the wife of the informant, namely, Md. Gulzar had given her statement and in her statement, she has stated that she had gone to hospital with the child. She was in a queue and the petitioner was with his son. After sometime, when she started searching her husband, she found that the petitioner and her son was missing. She searched them for a considerable time. When the wife of the informant asked the petitioner regarding her son, he pressed her neck and told her that he has killed the child and that he will also kill her as well. During investigation, it has also come that there has been dispute between his wife relating legitimacy of the child. This petitioner has also given his confessional statement and has confessed his guilt. From the perusal of the of the statement of the wife of the petitioner, it is



also clear that he had told her that he has killed the boy. There was dispute between the parties regarding legitimacy of the child and from perusal of the FIR which has been filed by the petitioner, it is also clear that the son was last seen with him.

6. Considering the above facts and circumstances of the case and the submissions put forward by the parties as also the materials available on record, I am not inclined to extend him the privilege of bail which is accordingly rejected.

7. However, the petitioner will be at liberty to renew his prayer for bail after six months, if the trial is not concluded.

(Ashok Kumar Pandey, J)

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