

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48557 of 2015

Arising Out of PS.Case No. -150 Year- 2015 Thana -MAJHAHGARH District- GOPALGANJ

Amirul Haque Son of Late Basharuiddin Haque Resident of village - Pipra,
P.O. + P.S. Majhagarh, District - Gopalganj

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

with

Criminal Miscellaneous No.48986 of 2015

Arising Out of PS.Case No. -150 Year- 2015 Thana -MAJHAHGARH District- GOPALGANJ

AJIJURAHMAN @ GAMA @AJIJUL RAHMAN Son of late
Basharuiddin Haque Resident of Village- Pipra Po + P.s Majhagr, District
Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48557 of 2015)

For the Petitioner/s : Mr. Vikas Ratan Bharti

For the Opposite Party/s : Mr. Dashrath Mehta(App)

(In Cr.Misc. No.48986 of 2015)

For the Petitioner/s : Mr. Vikas Ratan Bharti

For the Opposite Party/s : Mr. Nand Kumar (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

03 27-01-2016 Both the criminal miscellaneous applications are of the
same occurrence and, as such, have been heard together and are
being disposed of by this common order.

Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Majhagarh P.S.

Case No. 150 of 2015 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Allegedly Emamul Haque son of the informant was stopped by the petitioner Ajijurahman @ Gama @ Ajijul Rahman and ATM was demanded from him to which he refused then the two petitioners and other three co-accused caused threats to kill him if he will not give the ATM. It is further alleged that in the night five named accused persons including the petitioners and other five unknown persons kidnapped Emamul Haque and the informant cried and became senseless. In the morning he was going to Manjha Police Station with his nephew and saw the petitioners and other accused person, boarding the dead body of Emamul Haque in the vehicle but after seeing the informant, the two petitioners fled away in their house and rest fled away by the vehicle.

Submission is of false implication and the version of the informant regarding identification of the accused person in the night at the time of alleged kidnapping, appears not reliable and further there is no specific allegation against the petitioners and due to previous dispute, they have been falsely implicated and as such the petitioners deserve sympathetic consideration as they are suffering in custody since 21.08.2015.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioners earlier stopped the deceased and demanded ATM and due to refusal, caused threats to kill him. The informant saw the petitioners and others when they were kidnapping the deceased and further they were seen when they were trying to take away the dead body. The police has recovered fire-arm, knife and 125 ATMs from their possession.

In the facts and circumstances stated above considering the allegation attributed against the petitioners, serious in nature, this Court is not inclined to enlarge the petitioners on bail and accordingly, their such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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