

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54616 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -BARUN District- AURANGABAD

Raju @ Shahnawaj Alam son of Aminuddin resident of village - Sheikh Bigha, Police Station - Barun, District - Aurangabad.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

WITH

Criminal Miscellaneous No.51480 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -BARUN District- AURANGABAD

Abddul Kalam Son of Sajjad Baig Resident of village - Lanjhi, P.S. Chenari, District - Rohtas

.... Petitioner

Versus

The State of Bihar

.... Opposite Party.

Appearance :

(In Cr.Misc. No.54616 of 2015)

For the Petitioner : Mr. Anil Kumar, Advocate.

For the State : Mr. Suresh Prasad Singh, A.P.P.

(In Cr.Misc. No.51480 of 2015)

For the Petitioner : Mr. Amit Kumar, Advocate.

For the State : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 01-03-2016 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned counsel for the State.

Two bail petitions are being heard together and disposed of by common order as two bail petitions arise in connection with Barun P.S. Case No. 72 of 2015 registered under Section 365 of Indian Penal Code. Later on, Sections 302 and 201/34 of Indian Penal was added.



The prosecution case as alleged that the victim proceeded from his house saying his father (informant) that he is going to meet Raju @ Shahnawaj Alam, son of Aminuddin, Village-Sheikh Bigha, P.S. Barun, District- Aurangabad who is petitioner in Cr.Misc. No. 54616 of 2015, but he did not return, then on contact, mobile phone of the victim was found switch off. Thereafter, Raju was contacted through mobile then Raju disclosed that Kaushar had come on 26.05.2010 at 10.00 A.M. and to left the place at 3.50 P.M. and disclosed that he left Kaushar at Keshab More and the victim told him that he has to go to Rafiganj, but Kaushar was not returned. Further case is that Farhat wife of the victim told that on 25.05.2015, she received phone call from Raju and he told her to send the victim at Barun, but till 28.05.2015 there was no trace of Kaushar, so a case was lodged under suspicion.

During investigation, Raju was apprehended and on enquiry, he confessed before the police to have kidnapped and murder of the victim in view of the fact that victim had illicit relation with sister of Raju and Raju disclosed that whole occurrence took place at the instance of petitioner, Abdul Kalam in Cr. Misc. No. 51480 of 2015.

Learned counsel for the petitioners submits that except confession and suspicion there is nothing against both the petitioners. Further it has been stated there is evidence that victim had gone to the house of Raju and Raju was accompanied with the victim. Further Raju was apprehended by the police and on his confession dead body of the victim was recovered.

Learned counsel for the petitioner, namely, Abdul Kalam in Cr. Misc. No. 51480 of 2015 submits that the petitioner is in jail

custody since 07.09.2015 and except confessional statement of co-accused Raju, the dead body of the victim was recovered, but there is nothing against this petitioner.

Having regard to the facts and circumstances of the case, the petitioner, namely, Abdul Kalam in Cr. Misc. No. 51480 of 2015 is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 72 of 2015.

So far petitioner, namely, Raju @ Shahnawaj Alam is concerned, I am not inclined to grant bail to this petitioner. Accordingly, his prayer for bail is rejected at this stage. However, the petitioner may renew his prayer for bail after framing of the charge.

m.p.

(Gopal Prasad, J)

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