

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32106 of 2018

Arising Out of PS.Case No. -21 Year- 2018 Thana -BARHARIA District- SIWAN

- =====
1. Raja Khan @ Sameer Khan, S/o Reyaj Khan, Resident of Village- Mahaicha, P.S.- Uchakagaw, District- Gopalganj.
 2. Chotee Miya, S/o Late Gafoor Miya, Resident of Village- Noorhata, P.S.- Barharia, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.31824 of 2018

Arising Out of PS.Case No. -21 Year- 2018 Thana -BARHARIA District- SIWAN

- =====
1. Sahid Aftab @ Solder, S/o Aftab Alam, Resident of Village- Jaltoliya, P.S.- Barharia, District- Siwan.
 2. Masoom Raja, S/o Ishtakhar Ahmad, resident of Village- Loharpatti, P.S.- Thawe, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.32106 of 2018)

For the Petitione : Mr. Prabhakar Singh, Advocate
For the S t a t e : Mr. Nawal Kishore Prasad, APP
For the Informant : Mr. Prashant Kumar, Advocate
Mr. Animesh Kumar, Advocate

(In Cr.Misc. No.31824 of 2018)

For the Petitioner : Mr. Prabhakar Singh, Advocate
For the S t a t e : Mr. Md. Ashlam Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 18-08-2018 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of the State as well as the

learned counsel for the informant.



The petitioners are in custody since 31.01.2018 in connection with Barhariya P.S. Case No.21 of 2018 registered for the offences under Sections 363, 302 and 201 of the Indian Penal Code, which is pending in the court of the learned Chief Judicial Magistrate, Siwan.

Learned counsel for the petitioners submits that save and except the suspicion, the diary does not disclose any further material to implicate the petitioners.

Learned counsel for the informant, while opposing the present applications for bail, submits that 13 years old son of the informant was kidnapped by the petitioners and there are sufficient materials in the case diary to indicate that these four persons had taken a car from a person on the pretext that they had to give some money and after a few hours on the same day, they said that the money was not made available. Learned counsel for the informant further submitted that on the said date, the petitioners were seen in and around the area where the child was playing and thereafter the child disappeared and after lapse of almost four days, the dead body was recovered. He submits that the other independent witnesses have seen the boy playing near the place where the four petitioners were wandering in the red



coloured car, which they had allegedly taken from another person. Thus, there are sufficient materials to implicate the petitioners in connection with the present case. He submits that the story that the informant was having any enmity is also belied by the fact that in the case diary there are no such materials.

Learned counsel for the State also perused the diary and found that the petitioners were arrested on the 30th of January, 2018 and were remanded on 31st of January, 2018 when the dead body was recovered. It is further submitted that the investigation in this regard is still under progress, though charge sheet has been submitted against the present accused petitioners.

In view of such facts and circumstances, I am not inclined to release the petitioners on bail. It is, accordingly, rejected.

(Anjana Mishra, J)

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