

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67486 of 2018

Arising Out of PS. Case No.-403 Year-2017 Thana- RAMNAGAR District-
West Champaran

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Md. Aftab Alam Son of Late Nasim Alam, Resident of Village-Sugiya
Katsari,P.S. Sheohar, Distt. Sheohar

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ashhar Mustafa, Advocate.
For the informant	:	Mr. Dharendra Kr. Sinha
		Mr. Rajesh Kumar, Advocates.
For the State	:	Mr. Jitendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 30-01-2019 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel for the informant.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 302, 201,34 of the Indian Penal Code
registered in connection with Ramnagar P.S. Case No. 403 of
2017.

3. It is submitted that the petitioner has been falsely
implicated on mere suspicion and there is no objective material
to connect the petitioner with the alleged occurrence, save and
except to the extent that the deceased had made a call from his
mobile phone to the petitioner on 27.10.2017. The thrust of
accusation is against co-accused Kaushal Kumar Rai with whom
the petitioner has no concern nor there is any phone call between
them. It is submitted that the petitioner has been implicated for
political reasons at the hands of his rivals as he was the then
Mukhiya.



4. Learned APP assisted by learned counsel for the informant submits that there is ample material in the case diary to show the petitioner's involvement in the alleged occurrence. He invites reference to paragraph-178 of the case diary, according to which the C.D.R details of the petitioner's mobile phone discloses that there were five phone calls between the petitioner and one Anjali Singh during the period 23.10.2017 and 26.10.2017. Similarly, the call records of the mobile phone of co-accused Kaushal Kumar Rai disclose the details of calls between Kaushal Kumar Rai and the said Anjali Singh. There is also material to show that calls had transpired between the deceased and Kaushal Kumar Rai. The mobile phone of Kaushal Kumar Rai was found on the body of the deceased near the railway track. It is therefore submitted that all these materials point to an active role and connivance of the petitioner in the entire episode.

5. Learned counsel for the informant also submits that the petitioner has failed to disclose the details of one more case in which he had been made accused, namely, Sheohar P.S. Case No. 69 of 2016.

6. Learned counsel for the petitioner, in reply, submits that a supplementary affidavit has been filed in Court today. The same has however yet to be placed on record and as such the facts stated therein are being referred to with reference to the extra copy of the supplementary affidavit supplied by the petitioner which may be returned once the original is placed on record.

7. With regard to Sheohar P.S. Case No. 69 of 2016, it is submitted that as a matter of fact the same had been instituted at the instance of his political rival Md. Imamuddin through his aide Md. Ekhlaque, alleging offences under several penal sections. However, after investigation, most of the offences alleged were not found true and charge sheet was submitted only for minor



bailable offences. The petitioner therefore carried the impression that the case had been closed and in any event there was no occasion for suppressing the details of the said case.

8. It is further submitted that even according to the submissions made by learned APP and learned counsel for the informant with reference to case diary, it would appear that complicity of the petitioner is being inferred merely on the basis of the phone calls made between the petitioner and Anjali Singh but however no processes appear to have been issued against the said Anjali Singh.

9. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bagha, West Champaran, Bettiah in connection with Ramnagar P.S. Case No. 403 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his



bail bond shall be liable to be cancelled by the learned Court concerned.

(v) No summons/warrant has been issued to Anjali Singh with whom the petitioner is said to have talked on his mobile.

(Vikash Jain, J)

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