

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74681 of 2019**

Arising Out of PS. Case No.-199 Year-2018 Thana- KARJA District- Muzaffarpur

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AZHAR SHEKH, Son of Md. Anish, Resident of Village - Marwan Khurd,
P.S.- Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 22.07.2019 in a case registered for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code.

The prosecution case as per the written report of Rampukar Bhagat submitted to the S.H.O., Karja, Muzaffarpur is to the effect that on 30.09.2018 at 8.30 A.M., the elder son of the informant, namely, Jai Prakash Narayan received a telephonic call and thereafter, he left the house on a motorcycle. Subsequently, he conveyed his wife that he is going to Patna to purchase a machine and he will reach at his shop at 10.30 A.M. Subsequently, he called his brother to send cheque book and seal on which he issued 4 cheques, 2 in



favour of the informant and 2 in favour of his staff amounting to Rs.50 lacs and 25 lacs and 50 lacs and 25 lacs respectively, but in his bank account, there was only Rs.44,000/- and on being contacted on his mobile phone, he asked the informant to talk to his partner, Bablu Bhaiya. Thereafter, he did not return. After 29 days of the victim went missing, dead body of the victim was recovered, leading to registration of FIR against unknown. The name of the petitioner sprang up on the basis of confessional statement of co-accused.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner. However, co-accused, Pankaj Kumar's statement has been recorded under Section 164 of the Cr.P.C. wherein he has stated that he gave the SIM card of the victim to the petitioner and co-accused Ajay Kumar Pandey, but mobile phone of the victim was not found using by the petitioner. It is further submitted that merely on the basis of suspicion, the accusation has been levelled and the investigation has already been concluded. Though the petitioner is accused in one other case, apart from the present case, but he is on bail in that case.

Learned APP for the State submits that the name of the petitioner sprang up during investigation on the basis of



confessional statement of co-accused as a person who was using the SIM card of the victim.

Considering the suspicious nature of accusation and investigation already being concluded, let the above named petitioner 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 learned 3rd ADJ, Muzaffarpur, in connection with S. Trial No. 134 of 2019, Karja P.S. Case No. 199 of 2018.

(Dinesh Kumar Singh, J)

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