

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16470 of 2020

Arising Out of PS. Case No.-283 Year-2019 Thana- JHAJHA District- Jamui

BITTU KHAN Son of Matin Khan @ Matiuzama Khan Resident of Village-
Jhajha, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nasrul Hoda Khan
For the State	:	Mr. Prem Kumar Jha
For the Informant	:	Mr. Amish Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 03-09-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Jhajha P.S. case No. 283/2019 registered u/s 302, 201, 120B/34 of the IPC.

The informant, brother of the deceased, alleged that his brother, Abdul Kalam Ansari, received a call from Manu Khan that his father and brother were calling him. On such, his brother went along with Md. Israil Haque. After about one hour the informant called his brother but Manu Khan received the call. Manu Khan disclosed that he would send his brother after some time. The informant thereafter made several calls but no response. During the course of search, Md. Israil Haque



disclosed that Manu Khan, Bittu Khan, the petitioner, Matin Khan, Rajeev Sharma and two other unknown persons took Abdul Kalam inside the godown of Almirah of Manu Khan, brother of the petitioner, and they asked Israil Haque to go. It is further alleged that informant informed the police. In course of search different articles belonging to the deceased were recovered in and around Almirah godown of the brother of the petitioner. The informant suspected that one of the brothers of Bitu Khan, the petitioner, died by falling from a running train and the petitioner and his family members were suspected hand of Salauddin Ansari, relation of the deceased, and that is why the occurrence took place.

The learned counsel for the petitioner submits that there is no eye witness of the occurrence. It is a case of circumstantial evidence. Israil Haque is own brother of Salauddin Ansari, who is suspected to be killer of one of the sons of Matin Khan and brother of the petitioner. Israil Haque also accompanied the deceased and had there been any intention on the part of the petitioner and his family members they would have killed Israil Haque. The deceased was not at all related with the family of Salauddin Ansari. It is further submitted that no incriminating article was recovered from the possession of



the petitioner. Different articles are said to have recovered from different places in and around Almirah godown of his brother, Mannu Khan. Similarly situated accused Rajeev Sharma has already been granted bail vide order passed in Cr. Misc. No. 12631 of 2020. The petitioner is in custody since 23.12.2019. In a case of circumstantial evidence the case of petitioner stands on same footing as that of Rajeev Sharma. Hence, the petitioner deserves bail.

The learned APP as well as the learned counsel for the informant vehemently opposed the prayer for bail and submitted that Israil Haque is said to have accompanied the deceased but he left the deceased near the Almirah godown of Manu Khan. The petitioner is brother of Manu Khan. Thereafter, Manu Khan, Bitu Khan, the petitioner, Matin Khan, Rajeev Sharma and two unknown others took the deceased inside the godown and thereafter the deceased became traceless. In the next morning the dead body of the deceased was found. Different articles of the deceased were found in and around Almirah godown of the brother of the petitioner. During the course of investigation the witnesses have stated that petitioner, his brother and father killed Kalam and threw his dead body.

Having considered the facts, it has come that the



deceased went to meet Manu and Matin, the brother and father of the petitioner, on their call. Lastly the deceased was found to be taken inside the godown of Almirah of the brother of the petitioner by the petitioner and his brother, father and others but thereafter the deceased was found traceless and on the next day the dead body of the deceased and other articles of the deceased were found in and around the godown of the brother of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail and the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the receipt of this order.

If the trial is not concluded within nine months, if so advised, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

