

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28225 of 2020

Arising Out of PS. Case No.-63 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

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AURANGZEB @ PAMPAM @ AURANGZEB ALAM Son of Siraj Alam @
Bacha Alam, Resident of Village - Pipra, P.S.- Manjhagarh, District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Adv.

For the Opposite Party/s : Mr.B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 15-12-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Siwan Muffasil P.S. Case
No.63 of 2018 registered under Sections 363, 365 of the I.P.C.
Later on Sections 302 and 201 of the I.P.C. were added.

The informant alleged that her son Samir Raja was
doing the work of videography and he left his house on
09.02.2018 at 6:00 pm for videography in village Mahadeva.
The informant enquired from her son about his return but her
son replied that he would return after 2-3 hours but thereafter
the mobile of her son was found switched off. The informant
suspected that her son was kidnapped by unknown persons.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. On the next day, the dead



body of the son of the informant was recovered. The informant suspected that the petitioner and her son were having affairs with a girl and she suspected that the petition might have killed her son and his dead body was thrown. It is submitted that there is no eye witness of the occurrence. Nobody has seen the petitioner at any point of time with the deceased. The informant disclosed that she received a call from a mobile no.8544098566 and the caller threatened that her son would be killed. It is further submitted that during course of investigation, mobile no.8544098566 was found to be in the name of Mahtab Alam. Mahtab Alam simply disclosed that the petitioner had taken his SIM to talk with his mother but the Investigating Officer did not collect any electronic evidence indicating that the petitioner had any talk with the deceased prior to the occurrence or the petitioner was with the deceased. Even the call detail report of the mobile of the deceased was not sufficient to connect the petitioner to show in any way that the petitioner is involved in the murder of the son of the informant. The petitioner is in jail since 18.07.2018. The petitioner has already remained in jail for about two and half years and not even a single witness has been examined till date.

Learned A.P.P. submits that Mahtab Alam, of course,



disclosed in para 43 of the case-diary that the petitioner had talked with the deceased at 12 noon on 09.02.2018 and thereafter the tower location of the mobile of the petitioner does not show that the petitioner was ever with the deceased.

Taking into consideration the facts aforesaid and the fact that the petitioner has already remained in jail for about two and half years, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Siwan in connection with Siwan Muffasil P.S. Case No.63 of 2018.

(Prabhat Kumar Jha, J)

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