

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78793 of 2019

Arising Out of PS. Case No.-217 Year-2018 Thana- DAUDNAGAR District- Aurangabad

MD. AZAD, aged about 37 years, Male, Son of Md. Islam Quraishi @ Md. Islam, Resident of Village - Kushdihra, P.S.- Khirimore, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72253 of 2019

Arising Out of PS. Case No.-217 Year-2018 Thana- DAUDNAGAR District- Aurangabad

MD. TARIQ ANWAR @ TARIQUE ANWAR @ MD. TARIQUE ANWAR, Male, aged about 24 years, Son of Khurshid Anwar, Resident of Gola Road, Ward No. 15, P.S.- Daudnagar, Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78793 of 2019)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Senior Advocate

For the State : Mr. Nirmal Kumar Sinha, APP

For the Informant : Mr. Ashok Kumar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 72253 of 2019)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Senior Advocate

For the State : Mr. Satya Nand Shukla, APP

For the Informant : Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-06-2020 Heard Mr. Yogesh Chandra Verma, the learned Senior Counsel appearing on behalf of the petitioners, Mr. Nirmal Kumar Sinha, the learned Additional P.P. as well as Mr. Ashok Kumar Singh, the learned counsel for the informant through video conferencing.



The petitioners seek bail in Daudnagar P.S. Case No.217 of 2018, registered under Sections 364 and 34 of the Indian Penal Code.

The mother of Sharafat Quraishi @ Bale, the victim, alleged that on 13.05.2018, her son received call on his mobile no.9076334279 and 9709529681 at 3.45 from Azad and immediately thereafter her son left for Rafiganj to attend the party of his friend but her son did not return. Her son is still traceless. She further disclosed that about three months back Md. Tariq Anwar, the petitioner of Cr. Misc. No.72253 of 2019, Khurshid Anwar and Ashraf Quraishi assaulted her son and for that her son Sharafat Quraishi lodged a case in Daudnagar police station. The informant suspected that her son was killed by the accused persons.

Mr. Yogesh Chandra Verma, the learned Senior Counsel for the petitioners submits that so far as the case of Md. Azad, petitioner of Cr. Misc. No.78793 of 2019 is concerned, he is not named in the FIR. The mother only disclosed that her son received mobile call of one Azad but the informant did not disclose the source of her acquaintance with Md. Azad. It is further submitted that even the call details does not co-relate with the subsequent events. In para 45 of the case diary, the



witness of course identified Md. Azad by his photograph which has been taken from the Customers Identity Form but there is absolutely no evidence that Md. Azad kidnapped the son of the informant. It is further submitted that so far as the case of Tarique Anwar, petitioner of Cr. Misc. No.72253 of 2019 is concerned, save and except the suspicion that too on the basis of quarreling took place three months ago, there is no material against him. Tarique Anwar did not even call the victim to come. Similarly situated co-accused, Ashraf Quraishi has already been granted bail by a coordinate Bench of this Court vide order dated 29.01.2019, passed in Cr. Misc. No.77292 of 2018. There is no material to connect the petitioner, Tarique Anwar in commission of the offence. Save and except the suspicion raised by the mother of the victim that too on account of quarreling or scuffle took place three months back. It is further submitted that Md. Azad is said to have confessed and disclosed the name of the petitioners also but the petitioners have got no manner of concern with Md. Azad who is said to have called the son of the informant, therefore, the petitioners deserve bail, but the learned counsel for the informant as well as the learned counsel for the State submit that there is ample material against Md. Azad that it was he who called the son of



the informant. Later on, he was duly identified by the witnesses that it was Md. Azad who had called the victim after ringing him on his mobile. Md. Azad also confessed his guilt and disclosed that he killed the boy and threw the dead body in Khiri forest.

From perusal of the records, it appears that of course Md. Azad is not named in the FIR but it has come that it was Md. Azad who called the victim, son of the informant, and after having received the call of Md. Azad, the victim went to Rafiganj. Thereafter the victim never returned to his house. From the call details, it transpired that it was Md. Azad who had called on the mobile of the victim and in pursuance thereof, the victim had gone to attend the party arranged by Md. Azad. Md. Azad himself confessed his guilt that after killing the boy, he threw the dead body in Khiri forest.

Taking into consideration the facts aforesaid, I am not inclined to enlarge Md. Azad, petitioner of Cr. Misc. No.78793 of 2019, on bail. Accordingly, the prayer for bail of Md. Azad, petitioner of Cr. Misc. No.78793 of 2019, is rejected.

So far as the case of Md. Tariq Anwar, petitioner of Cr. Misc. No.72253 of 2019 is concerned, he is named in the FIR but there is no material to show that Md. Tariq Anwar also



joined Md. Azad at any point of time in kidnapping the victim, son of the informant. There is absolutely no material to connect the petitioner, Md. Tariq Anwar in the commission of offence save and except suspicion that some scuffle took place with the victim three months back.

Considering the facts aforesaid, petitioner, namely, Md. Tariq Anwar @ Tarique Anwar @ Md. Tarique Anwar, petitioner of Cr. Misc. No.72253 of 2019, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, District Aurangabad in connection with Daudnagar P.S. Case No.217 of 2018.

(Prabhat Kumar Jha, J)

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