

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9419 of 2021

Arising Out of PS. Case No.-18 Year-2019 Thana- ALOULI District- Khagaria

MD. RASID @ RAJA MOHAMMAD Son of Md. Rajjak Resident of
Village- Belahi, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh
For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Alauli P.S.
Case No.18/2019 corresponding to G.R. No.194/2019,
registered for the offence punishable under Sections 365 of the
IPC and later on sections 364/120(B)/34 IPC were added.

The prosecution case in short is that the husband of
informant went to relative's house namely Md. Shohrab in
village Orahi but did not return back and his mobile phone
was switched off. She called Md. Shohrab who said that her
husband will return back in 2, 3 days but the informant
suspected the conduct of the said Md. Shohrab and hence this
FIR.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence in the manner as alleged has ever taken place. It is submitted that this is a best case of last seen theory. Petitioner is not named in the FIR but his name transpired in the case in course of investigation on the statement of one Md. Saddam, who is brother of co-accused Md. Shohrab. The name of petitioner has come to light in the 3rd statement of the informant, where informant disclosed that petitioner along with other co-accused Md. Khurshid and Md. Sahabuddin came to her house and called her husband, who went with the accused persons to the house of Md. Shohrab. The co-accused Md. Khurshid Alam has been granted bail by a co-ordinate Bench of this court vide order dated 01.07.2021 passed in Cr. Misc. No.13982 of 2021. The petitioner has four criminal antecedent and has been languishing in custody since 06.07.2020.

Learned APP for the State opposed the prayer for bail and submits that petitioner name transpired in the case in course of investigation and he is also involved in the said offence.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria, in connection with Alauli P.S. Case No.18/2019 corresponding to G.R. No.194/2019.

(Anjani Kumar Sharan, J)

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