

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28065 of 2021**

Arising Out of PS. Case No.-3 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Shamshad @ Shamshad Alam S/O Mohammad Ayub R/o village- Lamba
Basti Chakla Ghat, Ward No. 3, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amal Kumar Sinha
For the Opposite Party/s :	Mr. Umesh Lal Verma, A.P.P. Mr. Amrit Abhijat, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 29-01-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Kochadhaman
P.S. Case No. 3 of 2020 registered for the offences punishable
under Sections 365, 302, 201/34 of Indian Penal Code.

According to prosecution case, informant Sanjay
Choudhary gave a written application to the S.H.O.,
Kochadhaman Police Station, stating that Raja and Imran came
to the house of the informant and asked his brother Santosh



Kumar Choudhary to come along with them and the brother of the informant accompanied the said accused persons. The brother of the informant did not return and upon enquiry one Dilshad Alam apprised that on 31.12.2019 he saw the brother of the informant (deceased) alongwith the accused Raja and Imran. He claimed that the said accused persons kidnapped my brother.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner transpired on the confessional statement of co-accused Dilshad Alam and nothing has been recovered from conscious possession of the petitioner. The petitioner is in custody since 23.11.2020.

The learned counsel for the informant and learned Additional Public Prosecutor opposed the prayer for bail and stated that the involvement of the petitioner is found during the investigation. He further submits that the bail application of co-accused namely Dilshad Alam and Imran have been rejected by a co-ordinate Bench of this Court vide order dated 30.06.2020 and 20.06.2020 passed in Cr. Misc. No. 23051 of 2020 and



26035 of 2020.

Considering the aforesaid facts and circumstances, the case of the petitioner is on similar footing. Accordingly, I am not inclined to grant the privilege of bail to the petitioner, and hence, it is rejected.

(Rajesh Kumar Verma, J)

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