

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64512 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- BHEJA District- Madhubani

MD. LIYAKAT @ MD. LIYAKAT ALI SHEKH @ LIYAKAT SEKH Son of
Md. Late Amod Ali Resident of Village - Kazipara, P.S.- Reji Nagar, District -
Murshidabad, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17810 of 2022

Arising Out of PS. Case No.-82 Year-2020 Thana- BHEJA District- Madhubani

MD. KALAM @ BHUTTO Son of Md. Dhodhay Resident of village -
Mahpatiya, P.S.- Bheja, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64512 of 2021)

For the Petitioner/s : Mr.Rashid Izhar, Advocate

For the State : Mr.Ajay Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 17810 of 2022)

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the State : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-08-2022 Since both the applications arise out of Bheja P.S.

Case No. 82 of 2020 as such, they have been heard together and

are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Bheja P.S. Case No. 82 of 2020 registered for the alleged offences under Sections 364 and 34 of the Indian Penal Code.

As per prosecution case, the brother of the informant went missing with his motorcycle and Rs. 70,000/- in cash. The informant named the petitioners who conspired with co-accused persons and abducted his brother with intention to kill him.

It has been submitted on behalf of the petitioners that the petitioners have been named in this case merely on suspicion of the informant. During whole investigation, nothing of substance came up against petitioners. For an occurrence dated 29.09.2020, the FIR has been registered on 08.10.2020. Except for confessional statement of petitioner Md. Liyakat, there is nothing against the petitioners. The recovery of motorcycle of the brother of the petitioner was made from one Md. Ershad and said co-accused was granted bail vide order dated 02.03.2022 passed in Cr. Misc. No. 41224/2021 by a Coordinate Bench. The police did not verify the claim of the informant that brother of the informant was called by the petitioner Md. Liyakat. No



recovery has been made at the instance of the petitioner. There is no witness who might have seen the petitioner with the deceased. Against the petitioner Md.Kalam, it has only come during investigation that family members of co-accused Md. Ershad stated that the motorcycle was sold to the co-accused by petitioner Md. Kalam. Thus, it is submitted on behalf of the petitioners that hardly any material has come up against this petitioner to connect them with the occurrence of missing of the brother of the informant who has not been recovered so far. The petitioners are in custody since 11.10.2020 and 04.02.2021, respectively. Charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that the petitioners have been named in the FIR and they have confessed their crime that they administered some intoxicating liquid to the brother of the informant, looted his motorcycle and Rs. 70,000/- cash and threw unconscious brother of the informant in a river.

Having regard to the submission made on behalf of the parties and further considering the fact that there is distinct lack of material against the petitioners to connect them with the alleged occurrence and also the period of custody and submission of charge sheet, the petitioners above named are



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-3, Jhanjharpur in connection with Bheja P.S. Case No 82 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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