

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60656 of 2021

Arising Out of PS. Case No.-566 Year-2020 Thana- MUFFASIL District- West Champaran

Md Abdul Rauf Hussain @ Ajad Hussain @ Bholu Son of Akhtar Hussain
Resident of Industrial Area, Lalu Nagar, P.S.- Mufassil, District- West
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-05-2022 Heard Mr. Aanish Akhtar assisted by Mr. Asif Kalim

learned counsel for the petitioner and Mr. Bharat Bhushan,

learned APP who represents the State in Virtual Court

Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in judicial custody in connection
with Bettiah Mufassil P.S. Case No. 566 of 2020 registered
under sections 302, 201 as well as 120(B) of the Indian Penal
Code.

As per the prosecution story, lodged by the SHO,
Bettiah police station, on 22.8.2022, the head of a man was
recovered near mosque and on the next day a beheaded body



was recovered from the industrial area. The family members of the petitioner including the father Md. Akhtar Hussain identified the dead body as that of his son Md. Khalid @ Golu which led to lodging of the Bettiah (M) P.S. Case No. 552 of 2020 alleging therein that his son has been killed by the accused Rohit Sikaria along with his associates.

Considering the gravity of the case, the Superintendent of Police, Bettiah constituted a team and the police went to Delhi and found Md. Khalid Hussain alive whom his entire family members had declared dead and also identified the beheaded body and the head as that of him.

The said Md. Khalid Hussain was questioned and he disclosed a land belonging to 'BIADA' in the Industrial Area, Bettiah was leased to his mother but subsequently, the same was allotted to Rohit Sikaria and as they wanted the land back, they killed a person, namely Rajesh Kumar who was working with Md. Khalid Hussain, mutilated his face and identified it as Md. Khalid Hussain with a view to implicate Rohit Sikaria.

In the said confession, Md. Khalid Hussain also disclosed the roles of his family members including the petitioner herein stating that the beheaded body was further cut



into pieces, removing hands and the legs which was done by this petitioner. His confession led to recovery of the blood stained “Daba” as also ‘Jeans Pant’ in which the body parts could be seen present in its pockets. In his confessional statement, he further stated that as the deceased Rajesh Kumar, an orphan was working with him in Delhi and they conspired to implicate the said Rohit Sikaria, the said Rajesh Kumar was brought to their native home was killed and subsequently FIR lodged being Bettiah (M) P.S. Case No. 552 of 2021.

In this case, case diary was called for and Mr. Bharat Bhushan, learned APP has brought attention of this Court to para-28 of the case diary in which the report of the Superintendent of Police, West Champaran, Bettiah has been incorporated. As per the report, the head of deceased was strategically placed near the mosque at Lalu Nagar by these accused persons whereafter they blocked the area and made it stand still for 16 long hours demanding immediate arrest of the accused Rohit Sikaria. This had created law and order situation and it was only with the help of the police personnels from different police stations that they were able to keep the social harmony intact.

As stated above, the main accused Md. Khalid



Hussain in his confession has narrated the entire facts and has attributed specific role to his brother and the petitioner herein that he further cut the beheaded body into pieces before the body was left at industrial area to implicate the said Rohit Sikaria.

This was a heinous crime. An innocent person was killed, he did not even received the privilege to have his last rites done with full respect. This further was done to implicate another innocent person and in the process the head was placed near the mosque to disturb the social harmony in the township of Bettiah.

Considering the aforesaid facts, this Court is not inclined to grant any relief to him and the bail application is hereby rejected.

(Rajiv Roy, J)

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