

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61407 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- GWALPARA District- Madhepura

1. MD. JAMALUDDIN S/o MD. JABBAR R/o VILLAGE-PIRNAGAR, WARD No.06, P.S-GWALPARA, DISTRICT-MADHEPURA.
2. MD. SHAHABUDDIN S/o MD. HARUN RASID @ MD. HARUN RASID R/o VILLAGE-PIRNAGAR, WARD No.06, P.S-GWALPARA, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP
For the informant	:	Mr. Ram Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-02-2022 Heard the learned counsel for the petitioners and the learned APP for the State, through Video Conferencing.

The petitioners seek bail in connection with Gwalpara P.S. Case No. 53 of 2021, instituted for the offences under Sections 302, 120(B), 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioner is in custody since 07.04.2021, are persons with clean antecedent, charge-sheet has been submitted in this case.

The learned counsel for the petitioners submits that the informant alleges that her son, Md. Nehal, received a call on his mobile phone No.6394350377, 7518422801 on 02.04.2021 at 7:00 P.M. and after receiving the call, he went out of the



house when he did not return for 2-3 hours then the informant and her family members started searching but could not locate him, thereafter on 03.04.2021, during search, the daughter of the informant found Nehal body lying near Akhara with neck slit, accordingly, FIR was instituted against unknown.

The learned counsel for the petitioners submits that the FIR was against unknown and the name of this petitioner transpired in the confessional statement of Md. Kamran Alam, further, there are no eye witness to the occurrence. The learned counsel further submits that based on the investigation of the CDR, one Md. Kamran Alam, was arrested and he confessed that being best friend of the deceased and co-villagers had asked the deceased to come to play cricket, further also that the deceased was in love with sister of petitioner No.2 and the petitioner No.2 along with his uncle (petitioner No.1) killed the deceased by slitting his neck. The learned counsel for the petitioner submits that confessional statement before the police has no evidentiary value.

The learned counsel for the informant vehemently opposes the bail application and submits that during the course of investigation, it has come that Md. Kamran Alam who was the friend of the deceased had called him and he disclosed that



these petitioners had killed the deceased as he was having relationship with the sister of petitioner No.2. The learned counsel submits that the circumstances even suggests that the petitioner killed the deceased as Md. Kamran acknowledges the fact that he had called the deceased and these petitioners were present there. It is further submitted that the deceased has been killed is a certainty who killed may be a matter of investigation but then in the confessional statement of Md. Kamran, it is clear that these petitioners on account of dispute as aforesaid, killed the deceased.

Learned A.P.P. opposes the bail application.

In view of the nature of allegation and what has transpired in the investigation and that it has been disclosed by Md. Kamran that these petitioners had killed the deceased, as such, the Court for the present is not inclined to grant bail to the petitioners, therefore, the prayer for bail of these petitioners is hereby rejected.

(Satyavrat Verma, J)

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