

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53266 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BELA District- Sitamarhi

MD. SHAMS AZAD @ AZAD MASTER SON OF FARUDDIN
MOHAMMAD RESIDENT OF VILLAGE - PARJA MUSHARNIYA, P.S. -
BELA, DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 08-11-2023 Heard the learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Bela P.S. Case No. 23 of 2023, registered for the offences punishable
under Sections 364(A), 302, 201 and 120(B)/34 of the Indian Penal
Code.

3. As per allegation, the deceased, who is son of the
informant apprised the informant by telephonic message that he
was going with his friend Rohit Kumar by a pulsar motorcycle.
The son of the informant did not return and his mobile was found
in switched off mode. During search, one Krishna Pandit apprised
the informant that his son had gone across the border along with
his friends. The informant received a phone call on mobile number
mentioned in the FIR, from the mobile of his son. By that call, Rs.



10 lacs ransom was demanded in lieu of release of his son. The caller threatened to kill his son had the ransom not be paid. On request of the informant, the phone caller agreed to release his son on ransom of Rs. 20 lacs. The mobile phone of the caller became switched off. Thereafter, the informant went at the house of Krishna Pandit and on interrogation, he disclosed that son the informant was kidnapped for ransom by Sujeet Bhandari, Ram Ishwar Paswan, Sunil Sahni, Sarfaraj, Azad Master (the petitioner), Ajay Baitha, Indrajit Baitha and Vijay Kumar Tiwari.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and except confessional statement of co-accused Ajay Baitha, there is nothing against him.

5. On the other hand, Sri Shailendra Kumar, the learned APP for the State, by drawing my attention towards paragraph no. 14 of the case diary, has submitted that co-accused Ajay Baitha has given the self-inculpatory statement in which he had given vivid description of murder of son of the informant and one Rohit Kumar. Co-accused Ajay Baitha, in his confessional statement, has disclosed how he along with other accused persons committed murder of both the deceased persons and had concealed their dead bodies. At the instance of co-accused Ajay Baitha, the dead body of both the deceased persons were recovered, as per paragraph-17 of the case diary. The photography and videography of recovery of



the dead body were made which has been mentioned in paragraph-17 of the case diary.

6. In my view, the petitioner does not deserve the privileges for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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