

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56702 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- SIKARPUR District- West Champaran

SHEIKH SADDAM @ SADDAM HUSSAIN S/o Sheikh Kalam @
Kalamuddin R/V- Chand Barwa, P.S.- Sathi, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58684 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- SIKARPUR District- West Champaran

KAUSHAR ALI @ SK. KAUSHAR @ SK. KOUSHAR Son of Sk. Abulaish
@ Abulesh @ Abul Laish Resident of Village - Chand Barwa, P.s.- Sathi,
Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56702 of 2022)

For the Petitioner/s : Mr.Umesh Chandra Verma,Advocate

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

(In CRIMINAL MISCELLANEOUS No. 58684 of 2022)

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-01-2023 Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner in Cr. Misc. No. 56702 of 2022 and Mr.
Akhileshwar Kumar Shrivastava, learned counsel for the
petitioner in Cr. Misc. No. 58684 of 2022 as also learned APPs
for the State.

The petitioners apprehend their arrest in connection



with Shikarpur P.S. Case No. 145 of 2022 for the offence registered under Sections 364, 353, 365, 302, 201 and 120(B) of the Indian Penal Code.

As per the prosecution story, the allegation is that the accused persons were repeatedly pressurizing the informant's brother (deceased) to accompany them to Kathmandu for work and on 20.11.2021, they took him to Kathmandu whereafter his whereabouts could not be ascertained and contact number was also off.

Later, they came to know that his brother has been killed and upon visiting the accused home, they also were found to have disappeared. Accordingly, after having failed to lodge the FIR, complaint filed which was referred to the police and accordingly under Section 156(3) of the Cr.P.C instituted the present case.

Learned counsels for the petitioners submit that it is at best matter of last seen, they do not have criminal antecedent and would abide by all the terms and conditions, if the petitions are allowed.

Learned APP for the State, on the other hand, opposes the prayer submitting that there is direct allegation against both the petitioners that they firstly pressurize the informant's brother



and thereafter took into him to Kathmandu and having failed to give any information about the said deceased, certainly the suspicion against them are not unfounded.

Considering the aforesaid submissions as also the allegation against the petitioner, this is not a fit case for grant of anticipatory bail, which is accordingly rejected.

(Rajiv Roy, J)

Jagdish/Neha/-

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