

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52886 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- HASPURA District- Aurangabad

AHTESHAM @ AHTESHAM KHAN @ SADDAM HUSSAIN SON OF
LATE AJIJURAH RAHMAN RESIDENT OF VILLAGE - CHAURI, P.S. -
DAUDNAGAR, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54764 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- HASPURA District- Aurangabad

Rajeen Alam @ Rajeen Aslam S/o Late Salman Akhtar R/o vill -
Hirdayachak, P.S. - Kaler, Distt. - Arwal Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52886 of 2024)

For the Petitioner/s : Mr. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

(In CRIMINAL MISCELLANEOUS No. 54764 of 2024)

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-10-2024 Heard learned counsel for the petitioners in both the
cases as also learned counsel for the informant.

2. The petitioner is in custody in connection with
Haspura P.S. Case No. 47 of 2024 for the offence punishable
under section 365 of the Indian Penal Code lodged on
02.03.2024 by the informant, Pradeep Kumar.



3. As per the prosecution story, the allegation is that the father of the informant went out on his motorcycle but failed to return, later his mobile was also switched off, which followed the FIR. The investigation took place whereafter, these two petitioners were apprehended and on the confession made by the petitioner, Saddam Hussain, the head of the beheaded body was recovered/seized.

4. So far as the petitioner, Rajeen Alam is concerned, on the instruction of Saddam Hussain, he along with Sadab Khan took the sack containing the headless body of the deceased on the motorcycle to dispose it of. It is the confession of the accused that subsequently, petitioner Rajeen Aslam left the body and escaped, thereafter, the accused persons threw the headless body in the Sone river.

5. A perusal of the first paragraph of the petition shows only Section 365 of the IPC has been incorporated whereas the fact remains that, in this case, not only the head was severed from the body, the accused ensured that it never comes to light, worse, in paragraph 3, in the case of Saddam Hussain, it has been incorporated that he do not have criminal antecedent. However, para 196 of the case diary clearly shows that he is accused in two other criminal cases.



6. Learned counsel for the informant has pointed out all these facts which take this Court to only one conclusion, both the petitioners are not entitled for any relief.

7. Though the petitioners do not have criminal antecedent, the fact remains that in both the petitions, in paragraph 1, there is no whisper about the subsequent addition of 302 of the IPC. Considering all these facts, the petitioners do not deserve bail which is/are accordingly, rejected.

(Rajiv Roy, J)

Vijay Singh/-

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