

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76391 of 2023

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

Abdul Khalid Hussain @ Golu Son Of Akhtar Hussain Resident Of Industrial
Area, Lalu Nagar, P.S. - Mufassil, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with Bettiah Mufassil P.S. Case. No. 566 of 2020 instituted for the offence under Sections 302, 201 and 120(B) of the Indian Penal Code whereas police has submitted charge sheet under Sections 177, 191, 195, 302, 201, 120(B) and 34 of the IPC.

As per FIR, on 22.08.2020 police received information that head of a man was lying near Lalu Nagar Mosque, accordingly he recovered and seized and on the next day, one beheaded body kept in white color sack was also recovered from the industrial area which was identified by the family members of Akhtar Hussain(father of the petitioner) as the dead body is of his son Md. Khalid Hussain @ Golu



(petitioner) and on the basis of this, Bettiah Mufassil P.S. Case No. 552 of 2020 was instituted. It is further reported that during the course of investigation of that case, it was found that Khalid Hussain @ Golu (petitioner) is alive and he is living in Delhi. Accordingly, petitioner was recovered by the police and upon query, he disclosed that by the BIADA a plot was leased in favour of his mother's name but later on, with the help of administration leased land was taken possession by one Rohit Sikaria and others. Accordingly, with intention to take back of his land from them and to implicate them, he along with other hatched a conspiracy and killed one Rajesh Kumar a friend of his brother and thereafter chopped him into several pieces.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case. There is no eye witness of the alleged occurrence. Moreover, he is languishing in judicial custody since 01.09.2020.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that petitioner is named in FIR and there is specific allegation against the petitioner who committed brutal murder of the deceased. During investigation, the confessional statement of the petitioner was recorded in para-3 of this case diary in which he confessed his guilt and



stated that he killed the deceased by hatching conspiracy and cut his neck by sharp cut weapon thereafter he cut the body of the deceased into many pieces and fled from there. Petitioner further stated that on his instance, the weapon along with other incriminating material which was used in this crime has been recovered by the police which is mentioned in para-2 of this case diary. During investigation, witnesses supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite the trial and conclude the same within a period of nine months as the petitioner is languishing in judicial custody since 01.09.2020 failing which the petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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