

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22478 of 2024

Arising Out of PS. Case No.-710 Year-2023 Thana- FATEHPUR District- Gaya

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Prawej Alam, aged about 26 years (Male), Son of Noor Alam, Resident of Village- Chakand bara, P.S.- Chakand, Dist.- Gaya (wrongly typed as Chakand in Impugned Order)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shivendra Prasad, Advocate

For the Opposite Party : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 17-04-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Fatehpur P.S. Case No. 710 of 2023 dated 26.09.2023 registered for the offences punishable under Sections 302, 201 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the son-in-law of the informant, namely, Hamid Hussain, was running 'Biryani Hotel' in Kolkata and on 22.09.2023, he returned back to his village. On 24.09.2023 at about 10.00 A.M., a call was received on the mobile of Hamid Hussain and thereafter, he went to Belaganj Bazar but he did not come back to his house till 8.00 P.M., and his Mobile was found switched off and thereafter the family



members started searching and on 25.09.2023 at about 1.30 P.M., the informant was informed by police that a body like his son-in-law, Hamid Hussain, was found in Fetehtpur Police Station, thereafter, the informant and others went to Magadh Medical and identified the dead body of his son-in-law Hamid Hussain. His son-in-law had been killed. It is further alleged that his son-in-law had no dispute with anyone but he used to chat and call on Mobile No. 9546680260 from which the phone call had come and thereafter he went to Belaganj. It is further alleged that if the investigation is done of Mobile No. 9546680260, the reason for the murder would be found. The mobile numbers of Hamid Hussain are 8777671373, 9088592198 and his wife's Mobile No. is 9262966049.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. The dead body of the deceased was found under Fatehtpur Police Station which is at least 20 K.M. far away from Belaganj Bazar which suggests that the deceased himself had suppressed as to where he was going. It is further submitted that during the investigation, it has come to the light that the deceased used to talk with a girl on Mobile No. 9546680260 as mentioned in the



F.I.R. and he used to send WhatsApp Message also and they also used to talk on video calling. It is further submitted that the police obtained the C.D.R. of the mobile phone of the deceased which revealed that the deceased had come from Kolkata on 22.09.2023 and had talk with mobile Phone No. 9546680260 on 24.09.2023 several times and also talked with Mobile Phone Nos. 70032475535, 77656860431, 9748143485, 7838854876, 9262966049, 9088469044 and 7645990101. The tower location of the mobile of the deceased was found at Belaganj at 10.41 A.M., Chakand at 11.30 A.M., Manpur at 12.48 P.M., Nadriganj at 3.15 P.M. and Atri at 6.44 P.M. However, no call was found thereafter. It is further submitted that from C.D.R. of Mobile Phone No. 9546680260 which is stated to be of a girl belonging to Kolkata, it revealed that the mobile holder of that mobile phone had come to Belaganj from Kolkata on 17.08.2023 and on 24.09.2023 the tower location of that mobile phone was at Bara at 9.21 A.M., Chandauti at 10.00 A.M. Manpur at 1.50 P.M. and Atri at 6.35 P.M. and ultimately the tower location of mobile phone was found at village-Bara in the night. The C.D.R. of mobile phone no. 9546680260 allegedly revealed that on 24.09.2023, the mobile phone number of the petitioner has been been contacted at different times. It also revealed that



mobile phone no. 9546680260 was also in contact with mobile phone nos. 7254058663, 7765860431, 8873398592 and 7260918407. It is further submitted that from perusal of C.D.R. of the phones, it was found that mobile numbers 7254058663 and 9546680260 were with the deceased from very beginning and Mobile No. 9546680260 was alongwith the deceased and was in contact with the wife of the deceased. It is further submitted that suspicion was raised against the petitioner only because some phone calls had been done from Mobile Phone No. 9546680260 to the mobile phone of the petitioner. The tower location of the mobile phone of the petitioner has not been found in the locality of the mobile phone of the deceased i.e., either from where the deceased proceeded or from the places he moved or where his dead body was found. The mobile phone number 7254058063 which was found with the deceased when he had proceeded from his house belongs to Rani Parveen and Israt Praveen. It is further submitted that during the investigation, the petitioner, the wife of the deceased, Rani Praveen, Israt Praveen and Saddam were arrested and they confessed their involvement in the alleged offence. It is further submitted that Rani Praveen and Israt Praveen are said to be having affairs with the deceased. It is further submitted that



during the investigation, only suspicion based on C.D.R. of some mobile phones and confessional statement of the petitioner and other co-accused persons and except this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The petitioner is the co-villager of the wife of the deceased who had no reason to involve in the present offence. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 26.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Gaya in connection with Fatehpur P.S. Case No. 710 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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