

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40541 of 2025

Arising Out of PS. Case No.-71 Year-2018 Thana- SIKARPUR District- West Champaran

Sheikh Sakir @ Sakir Hussain Son of Late Mohammad Hussain @ Mahmood
Husaain Resident of Village- Katgharwa Bhasurari, Ward No. 13, P.S.-
Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Adv.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 18-12-2025 Heard Ms. Harsha Shashwat, learned counsel for the
petitioner and Mr. Shashank Chandra for the informant beside Mr.
Nirmal Kumar Sinha representing the State.

2. The petitioner apprehends his arrest in connection with
Shikarpur P.S. FIR No. 71 of 2018 for the offence registered under
sections 302, 201/34 of the Indian Penal Code.

3. As per the prosecution story which has been lodged in
the year 2018 under Sections 302, 201/34 of the IPC, the informant
alleged that his son was working in the State of Kerala. On
02.03.2018, in the night, when the informant along with his sister,
daughter and son went to the bed, in the morning, saw his son not
present. The search took place whereafter, he found huge quantity of
wheat plants crushed and cleaned. Sattar Miyan and his son, Sonullah
Miyan were standing and informed that as the pigs delivered piglet,



the area became dirty which has been cleaned. However, having found the drops of blood, the informant became suspicious and upon removal of the recently filled earth, found the dead body of his son. The sweeper who was instrumental in the delivery of the pigs informed that delivery of piglet took place not at that particular place but at a different place. Believing the role of Sattar Miyan and Sonullah Miyan, the FIR.

4. The investigation took place in the matter and the Police on 26.09.2018 went through the CDR details when it came to light that this petitioner had conversation with the deceased from a stolen mobile as incorporated in paragraph 41 read with paragraph 45. Thus, from the record, from September 2018 onwards, the petitioner became a suspect. Later, the petitioner was asked to co-operate in the investigation on 05.10.2019 (paragraph 126). The petitioner chose not to appear before the Police.

5. On 11.12.2019, the Police recorded in paragraph 138 of the case diary that after the petitioner's role has cropped up in the present murder case, he has made his residence in the neighboring country, Nepal and rarely visits his house. The Police continued to take steps for his arrest to record his statement and having failed to do so, finally, the proclamation under Section 82 of the Code of Criminal Procedure was issued to the Court as recorded in paragraph 321 of the case diary.

6. It was only in the year 2025 that the petitioner chose to



explore his legal remedy which took him to the learned Sessions Court of West Champaran whereon 29.05.2025, the Court recording the grave and serious nature of the allegation that has come against him, the anticipatory bail application no. 1102 of 2025 was rejected.

7. This followed the present anticipatory bail application before this Court. Pursuant to the Co-ordinate Bench order dated 03.09.2025 directing the petitioner to appear before the Police to record his statement, he appeared on 12.09.2025 and the alibi was that the petitioner was at his home, the mobile which was used was missing. Upon query, whether the missing of the mobile was reported to the Police, the answer was in negative.

8. Learned counsel for the petitioner submits that admittedly, the main role has been attributed to Sattar Miyan and his son, Sonullah Miyan, on suspicion, the petitioner role is being investigated, he is/was always ready to co-operate in the investigation. However, as the Police may arrest him, the present petition.

9. Learned APP opposes the prayer submitting that from the year 2019, his name has cropped up but the petitioner evaded arrest leading to proclamation under Section 82 of the Cr.P.C.

10. From the aforesaid development that took place pursuant to the Co-ordinate Bench order dated 03.09.2025, the role of the petitioner in the present murder case of an innocent is still under investigation; he is one of the prime suspect/accused in the



case, the statement made by him regarding the missing of the mobile is not supported by any document. Further, despite the opportunity given by the Co-ordinate Bench, he failed to avail the same by providing all the information to prove his innocence. The FIR is of the year 2018, the role of the petitioner cropped up a year later, we are in the year 2025, it is high time that he takes the route of bail by surrendering and seeking before the Sessions Court. No case of anticipatory bail is made out.

11. In that background, the anticipatory bail application stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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