

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 23410 of 2021**

Arising Out of PS. Case No.-10 Year-2019 Thana- DHANAHA District- West Champaran

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Jifrul Haque Ansari @ Jafrul Ansari @ Jayfirul Haque Ansari @ Jayfirul Ansari, aged about 26 years, Male Son of Mustafa Ansari, Resident of Village- Khalwa Patti, Kathar Tola, Police Station- Dhanha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the State : Mr. Anand Mohan Prasad Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 15-09-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Kumar, learned counsel for the petitioner and Mr. Anand Mohan Prasad Mehta, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Dhanaha PS Case No. 10 of 2019 dated 12.01.2019, instituted under Sections 302/201/120-B of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment dated 24.08.2020 passed in Cr. Misc. No. 15350 of 2020.



5. The allegation against the petitioner and five others is of killing the nephew of the informant and then destroying the evidence.

6. Learned counsel for the petitioner having reiterated the arguments advanced in the earlier case, as has been noted in judgment dated 24.08.2020, had added that the FIR does not disclose as to from which mobile number the sister of the petitioner had made a call to the deceased. It was submitted that as per the police investigation, it is alleged that the calls to the deceased were made from mobile number 8271722257, which does not belong to the family of the petitioner. Thus, learned counsel submitted that there is nothing to connect the petitioner or his family to the deceased. Further, it was submitted that the whole case has been falsely instituted which would be clear from the fact that initially after 7 days of the occurrence the complaint was filed without the informant approaching the police. It was submitted that though in the complaint, two documents are annexed which purportedly indicate that complainant had given information to the police on 03.01.2019 and 08.01.2019, but the same, *ex facie*, appear to be manipulated documents, inasmuch as, in one of the petitions which has been given as 03.01.2019, it is apparent that the date was 09.01.2019, which has been overwritten



as 03.01.2019. It was submitted that this would be relevant as the date of the complaint itself is 09.01.2019 and on the same day, both those antedated documents were created to show that previously the police were informed about the incident, but clearly the same is not a fact. Further, it was submitted that as per the information available with the petitioner side, the villagers of the deceased are aware of the fact that he had died due to road accident and was also buried, but only at the instigation of one Jai Prakash Lal Shrivastava, with whom the family of the petitioner has past litigation history, this false case has been registered. It was submitted that the submission of learned counsel for the informant, as has been noted in the order dated 24.08.2020 to the effect that the independent witnesses have seen the deceased coming with the petitioner to their house on the fateful date is not correct as no independent witness has come forward to state the same.

7. On the aforesaid submissions of learned counsel for the petitioner, the Court had asked learned APP to obtain a report from the Superintendent of Police, Bagaha, specifically with regard to the mobile number from which the call was made on the phone of the deceased and the location of the calls as also to whom the said SIM belongs. He was further directed to get



a thorough enquiry conducted at the village of the informant from independent sources with regard to whether there is indication that the deceased has been buried by his family, including the informant, after having died in a road accident.

8. Learned APP submitted that the report has been submitted which has also been forwarded to the Court. The Court deems it appropriate to reproduce the said report:

*“1. That by an order dated 11.08.2021 this Hon’ble Court was pleased to direct the Learned A.P.P. to get a report from the Superintendent of Police, Bagaha and accordingly the present report is being submitted for kind consideration.*

*2. That after the order of this Hon’ble Court an enquiry was directed to be carried out in the matter by the Superintendent of Police, Bagaha through the Sub Divisional Police Officer, Bagaha who has submitted his report dated 03.09.2021 (Memo No. 1768/2021) after carrying out his enquiry.*

*3. That as per the report, Mobile No. 8271722257 was used to make call on the mobile number 8788601830 used by the victim (Shakil Ansari) and this number (8271722257) was used by the accused Rukshana Khatoon @ Sana Khatoon for continuously contacting the victim but the SIM of 8271722257 was registered actually in the name of victim (Shakil Ansari) himself. During local enquiry it has transpired that this accused (Rukshana Khatoon @ Sana Khatoon) and the victim were having love affair and the victim gave the SIM of above number to the accused secretly and they used to talk frequently.*

*4. That from the CDR analysis of the mobile numbers above on these two numbers right from 27.12.2018 till 02.01.2019 there were constant talks of long duration.*



5. That on the date of incident i.e. 02.01.2019 both the mobiles were in the same tower location i.e. Bashihiya Balbirpur, District: Kushinagar, Uttar Pradesh where the second house of the accused Rukshana Khatoon @ Sana Khatun and her family is situated. It shows that the victim was also at Bashihiya Balbirpur, Uttar Pradesh and after 19.43.47 hrs. on 02.01.2019 Mobile no. 8788601830 of the victim is off and since thereafter the victim is traceless.

6. That as per the report the tower location of mobile number used by the victim (Shakil Ansari), accused Rukshana Khatoon @ Sana Khatoon, accused Mustafa Ansari, accused Jafrul Ansari (this petitioner) they all were at the same location on 02.01.2019 i.e. at Village: Bashihiya Banbirpur, P.S. Padraunia, District: Kushinagar, Uttar Pradesh which shows that they all were together.

7. That it has also been reported that the mobile number used by the victim i.e. 8788601830 was given to him by his brother, namely, Sohrab Alam @ Bablu Ansari who worked in Mumbai and since he was not getting a SIM due to address related issue he got this number through his friend, namely, Hafij Sakur Ansari which was initially used by Sohrab Alam @ Bablu Ansari however upon his return from Mumbai he gave it to the victim who was since thereafter using it till his disappearance.

8. That it has also been reported that till date the dead body of the victim could not be recovered.

9. That it has also been reported that it is not a case of death in accident as per the local enquiry at the village of the informant situated at Tamkuhwaha, P.S. Dhanha and in this regard various villagers of the informant were contacted.

10. That the petitioner is a named accused along with various others and the informant is the uncle of the victim.

11. That during investigation the case has been found true under Sections 364/34 of the IPC against six accused persons including this petitioner.

12. That in the above background, the present report is being submitted.”



9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there is sufficient indication to indicate that the petitioner may also be involved in the disappearance of the victim, who has neither been recovered nor his body found, and further, the Court also does not find any mitigating circumstances after the last order of rejection dated 24.08.2020 for granting bail to the petitioner.

10. In the aforesaid background, the petition stands dismissed.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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