

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27319 of 2015

Arising out of PS.Case No. -49 Year- 2015 Thana -BIRAUUL District- DARBHANGA

Laxmi Yadav, Son of Late Garthu Yadav, resident of village - Kumai,
Police Station - Ghanshyampur and District – Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Advocate.

For the Opposite Party : Mr. Md.Iftekhar Mahmood(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2015 Heard learned counsels for the petitioner, informant and
learned counsel for the State

The petitioner is apprehending his arrest in connection with
Biroul P.S. Case No. 49 of 2015 for the offences instituted under
Section 363 of the IPC. Later on, Sections 302 and 201/34 of the
IPC were also added.

The prosecution story, in brief, is that on 22.02.2015, the
grand-son of the informant Ram Kant Yadav, namely, Nitish
Yadav, aged about 7 years, without any information went
unknown place and informant made efforts to trace out his grand-
son, but he did not trace out. The informant has given details of
identification in his written petition and pasting a photograph of
the missing grand-son.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is not named in the F.I.R. In course of investigation, no substantive evidence has come against the petitioner nor there is any circumstantial evidence to suggest the implication of the petitioner.

On behalf of the learned counsels for the informant and the State it has been submitted that it is kidnapping-cum-murder of seven years old boy who was cut in two pieces. The name of the petitioner has come in course of investigation in the confessional statement of one Lila Devi with whom the petitioner was having illicit relation.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Biroul P.S. Case No. 49/2015, pending in the court of the learned S.D.J.M., Biroul, Darbhanga. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)