

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.743 of 2015

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Jai Ram Yadav, Son of Late Fagu Yadav, resident of Village-Dorwa
Mathia,P.S-Dulhin Bazar,Distt.-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Prasad Singh, Advocate.

For the Opposite Party : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 14-05-2015 The petitioner is apprehending his arrest in connection with Dulhin Bazar P.S. Case No. 27 of 2013 for the offences instituted under Sections 364, 302 and 201/34 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the co-accused Anil Kumar alongwith others kidnapped Kavita Kumari, daughter of the informant in his presence in the night of 6/7.02.2013. On 08.02.2013, the dead body of Kavita Kumari was found in a well and fardbeyan of the informant was recorded. During investigation, in his further statement, the informant stated that the petitioner Jai Ram Yadav was also present at the time of occurrence alongwith some other persons. Witness Ranjit Kumar,

a hearsay witness, has also named the petitioner Jai Ram Yadav present at the time of occurrence.

It has been submitted on behalf of the petitioner that the petitioner is not named in the F.I.R. The name of the petitioner transpired during the course of investigation. The attention of the Court has been drawn to paragraph no. 25 of the case diary where it has come that the father of the deceased(informant) has stated that among the many people who are coming towards the village, the petitioner was also in the said people who were coming towards the village and run towards to another Tola. It has further been submitted that after looking into the statements of the father and the mother of the deceased there is material contradiction between the statements of the aforesaid two persons. The informant is not an eye witness. Further he has referred to paragraph nos. 34, 35 and 36 of the case diary which shows false implication of the petitioner which do not support the prosecution case. Further it has been submitted that there is no criminal antecedent against the petitioner. Further it has been submitted that the alleged date of occurrence is 6/7.02.2013 but the F.I.R. has been instituted on 08.02.2013 and for the delay, no explanation has been made on behalf of the prosecution.

It has been submitted on behalf of the learned counsel

for the State and the informant that though the petitioner is not named in the F.I.R. but his name transpired in course of investigation. Further it has been submitted that the case is under Sections 302 and 201/34 of the I.P.C.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner in connection with Dulhin Bazar P.S. Case No. 27 of 2013, G.R. No. 364 of 2013, pending before the court of the learned A.D.J. IInd, Danapur, Patna, Anyhow, this order shall not prejudice the court below while considering the prayer for regular bail of the petitioner. The court below may further take into the account the submissions made on behalf of the parties

U.K./-

(Sudhir Singh, J)

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