

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27981 of 2016

Arising Out of PS.Case No. -225 Year- 2015 Thana -MOKAMAH District- PATNA

Tuntun Yadav son of Shushil Yadav resident of village Bariyahi, P.O. Simariya Ghat, P.S. Barauni (Chakiya), District - Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Deo Raj Kumar Prasad, Advocate.
For the Opposite Party : Mr. Tarkeshwar Nath Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-11-2016 Heard both sides.

The petitioner apprehends his arrest in Mokama P.S. Case No. 225 of 2015 registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code.

The informant, widow of the deceased, alleged that the petitioner along with other accused persons came and took her husband to Bakhtiyarpur market for giving money, but her husband did not return. In the evening about 05:00 p.m., she got information that her husband was killed and his dead body was thrown near Mekra Kanhaipur village.

Learned counsel for the petitioner submits that the occurrence took place on 17.11.2015 and on the same day the Chowkidar 4/11 of Mokama police station lodged the case stating

therein that three persons out of which one got down from the motorcycle and sat on a cot, he felt pain in his chest and after vomiting he died. On the basis of fardbeyan of Chowkidar UD case was registered against unknown. It is further submitted that there is no material to show that the petitioner committed murder of the deceased, husband of the informant. The post-mortem report shows that there was no external or internal injury and the viscera was preserved and sent to Forensic Science Laboratory. The petitioner has got no criminal antecedent, but it appears that the informant, widow of the deceased and other witnesses have very categorically stated that the petitioner along with Bijo Yadav, Lalan Yadav, Ballam Yadav, Tuntun Yadav @ Langra and four unknown persons took the husband of the deceased to Bakhtiyarpur Hat for handing over money, but thereafter the husband of the deceased did not return and his dead body was recovered.

Considering the nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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