

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44869 of 2015

Arising Out of PS.Case No. -87 Year- 2015 Thana -BRAHMPUR District- BUXAR

1. Dahari Yadav @ Vikash Yadav son of Ganesh Yadav, Resident of village- Kathar, Police Station- Krishna Brahma, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.39889 of 2015

Arising Out of PS.Case No. -87 Year- 2015 Thana -BRAHMPUR District- BUXAR

1. Suga Singh Yadav @ Suga Yadav S/o late Gauri Singh Resident of Village- Gumsej, P.s Dinara,District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.44869 of 2015)
For the Petitioner/s : Mr. Rahul Nath
For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)
(In Cr.Misc. No.39889 of 2015)
For the Petitioner/s : Mr. Ajay Nandan Sahay
For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/01.02.2016

Both the above stated petitions arise out of Brahmpur P.S.

Case no. 87/2015 initially, registered under section 365/34 of the Indian Penal Code, later on sections 302, 120B of the Indian Penal Code and section 3 (2) V of the SC/ST Act were added and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners, learned Addl.

Public Prosecutor for the State as well as learned counsel for the informant.

Informant's son went missing since 16.12.2015 and after that on 20.2.2015 informant gave a Sanha in the concerned police station and subsequently, lodged the present case on 12.4.2015. In the written report, informant alleged that his son was kidnapped by petitioner in Cr. Misc. no. 39889/2015 with his associates as there was some love affair of his son.

In course of investigation, a skeleton was recovered near a canal and similarly, one mobile set was recovered from the house of petitioner in Cr. Misc. no. 44869/2015.

The prosecution claims that the aforesaid mobile set was of victim of the present case but learned counsel appearing for the petitioner in Cr. Misc. no. 44869/2015 drew my attention towards paras 6 and 48 of the case diary and submitted that IMEI number of mobile of the deceased does not tally with IMEI number of seized mobile.

So far as petitioner in Cr. Misc. no. 39889/2015 is concerned, his confessional statement was recorded at para 22 of the case diary in which he stated that seized mobile had been given to him by petitioner in Cr. Misc. no. 44869/2015. Even if the aforesaid confessional statement of petitioner in Cr. Misc. no. 39889/2015 assumed to be true, then also, the aforesaid petitioner has, nowhere, stated about factum of kidnapping and killing of the deceased.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the above named petitioners be released



on bail on furnishing bail bonds of Rs 10,000/- each with two sureties
of the like amount each to the satisfaction of the Chief Judicial
Magistrate, Buxar in Brahmpur P.S. Case no. 87/2015.

(Hemant Kumar Srivastava,J)

