

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8208 of 2019

Arising Out of PS. Case No.-418 Year-2018 Thana- MADHUBANI TOWN District-
Madhubani

-
1. CHANDAN KUMAR THAKUR , S/o Rampal Thakur resident of mohalla-Santu Nagar ward no.2,P.S. Town, Distt.-Madhubani.
 2. Anil Sah S/o Late Jeebachh Sah resident of mohalla-Santu Nagar ward no.2,P.S. Town, Distt.-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-04-2019 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in a case instituted for the offences under Sections 364, 302 and 201 of the Indian Penal Code.

The prosecution case in short is that the accused persons kidnapped the brother of the informant and later his dead body was found.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 19.11.2018 and have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. Charge-sheet has been



submitted in the present case. The petitioners have falsely been implicated in the present case. The petitioners are not named in the F.I.R. Nothing is alleged to have been recovered from the possession of the petitioners.

On behalf of the State, it is submitted that it is a case of abduction leading to murder. The eye witnesses, in course of investigation, in paragraphs 9, 10 and 11 of the case diary have categorically stated that the petitioners, along with others, had abducted the deceased and thereafter his dead body was found. As per Section 106 of the Evidence Act, the onus is on the petitioners and other co-accused to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

