

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16146 of 2020**

Arising Out of PS. Case No.-169 Year-2019 Thana- KAUWAKOL District- Nawada

ANUJ YADAV @ ANOJ YADAV Son of Anas Yadav Resident of Village -
Mananiyatari, P.S.- Kawakol, Dist.- Nawada

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

6 13-10-2020 Heard Mr. Ashhar Mustafa, learned counsel appearing
on behalf of the petitioner and Mr. Bharat Lal, learned
Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of
Kawakol P.S. Case No. 169 of 2019, registered initially for the
offence punishable under Sections 363 and 364 of the Indian
Penal Code, later on Sections 302, 201 and 120B of the Indian
Penal Code were added.

It is the prosecution's case that the informant's
husband had left at 10 AM on 18.06.2019 to collect grain from a
Public Distribution Shop. He, however, did not return thereafter
and could not be traced. A First Information Report was
accordingly registered for the offences punishable under Section



363 and 364 of the Indian Penal Code.

In course of investigation, the petitioner was apprehended and he confessed before the police about the kidnapping of the victim and his subsequent killing. It is evident from perusal of the confessional statement of the petitioner recorded before the police that the victim was brutally killed by the petitioner and other fellow miscreants and that dead body of the deceased was concealed behind bushes to destroy evidence of the crime. It was on the basis of information furnished by the petitioner during his interrogation by the police that decomposed dead body of the deceased was recovered.

In the aforesaid background, in my opinion, no case for grant of regular bail is made out for the present. I am not convinced with the submission advanced by Mr. Ashar Mustafa, learned counsel for the petitioner, that since other co-accused persons have been allowed regular bail, this petitioner also deserves the same treatment, considering the gravity of the offence and the incriminating materials collected by the police during the course of investigation indicating petitioner's direct involvement in commission of the offence, more particularly the fact that the dead body of the deceased was recovered on the basis of confessional statement of the petitioner.



This application is accordingly dismissed.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social



distancing.

(Chakradhari Sharan Singh, J)

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