

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24854 of 2020

Arising Out of PS. Case No.-481 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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1. SANTOSH YADAV @ FUCHO YADAV Son of Kare Lal Yadav @ Kare Yadav Resident of Village- Parora, P.S.- K. Nagar, District- Purnia.
 2. Nanku Yadav @ Chhotu Yadav Son of Karelal Yadav @ Kare Yadav Resident of Village- Parora, P.S.- K. Nagar, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul,
Mr. Ranjeet Kumar, Advocates.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 16-12-2020 Heard Mr. Ansul, learned counsel for the petitioners
and Mr. Akshay Lal Pandit, Additional Public Prosecutor for the
state through video conferencing.

2. Petitioners apprehend their arrest in connection with
K. Nagar PS Case No. 481/2019 registered for the offence
punishable under Sections 363, 365 of the IPC and subsequently,
Section 302 IPC was also added.

3. The allegation, as per First Information Report, is
that the informant had gone to her parental home on the occasion
of Chhath festival and received a telephonic call on 25.11.2019,
that her husband is missing since 23.11.2019 from the house and
when she returned to her matrimonial home at village, Parora on
25.11.2019, she started searching out her husband and during



course of search, she came to know that on 23.11.2019 at about 5:00 PM, her husband, namely, Awadhesh Kumar Bharti @ Matru Yadav had gone along with his tractor driver, Tallu Murmu and one Dakshin Murmu on his TVS Star Motorcycle bearing Registration No. BR-11-D-1272 and thereafter, he did not return and then she came to know from the villagers that her husband was last seen with the co-villager, namely, Santosh Yadav @ Fucho Yadav, Dhiren Mistri and Sanjay Mistri who were residents of Parora. It is further alleged that petitioner no.1, Santosh Yadav @ Fucho Yadav and his brother, Nanku Yadav @ Chhotu Yadav, petitioner no.2 were on inimical terms with husband of the informant for the last 20 years and earlier also they had made a murderous attack on him, for which, the case is pending in the court and the informant has suspected that all the six persons have kidnapped her husband. The dead body of the husband of the informant was found on 27.11.2019.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of land dispute and the perusal of the FIR reveals that the deceased was last seen along with tractor driver and one another person and the petitioners were not seen at the last moment with the deceased. Learned counsel further submits that the name of petitioners has falsely been implicated in this case on the ground of alleged



confessional statement made before the police by the co-accused, Talabu Tuddu and the motorcycle of the deceased has been recovered from the possession of said Talabu Tuddu.

5. Learned counsel for the State, on the other hand, referring to the case diary, submits that during course of investigation, the witnesses have disclosed that the petitioners were having land dispute with the husband of the informant and confessional statement of co-accused persons, Talabu Tuddu and Sanjay Mistri were recorded in para-46 of the case diary wherein, they have given a vivid description of the crime committed by the petitioners and others. Learned counsel further submits that on the basis of confessional statement of the co-accused, Talabu Tuddu, the motorcycle of the deceased was recovered from his possession.

6. Having regard to the submissions made by the parties and taking into consideration the material on record, I am not inclined to grant anticipatory bail to the petitioners. The same is, accordingly, rejected.

(Anil Kumar Sinha, J)

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