

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73334 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- GWALPARA District- Madhepura

NANHKU KUMAR S/O VIMAL YADAV R/O VILLAGE- SUKHASAN,
P.S- GWALPARA (ARAR O.P), DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Rashmi

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 21-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Gwalpara (Arar O.P.) Police Station Case No. 157 of 2022, dated 12.07.2022, disclosing offences punishable under Sections 363/366 of the Indian Penal Code.
3. The First Information Report has been registered only against Gautam Kumar. The prosecution case, as per the First Information Report, is that at about 9 PM on 03.07.2022, the wife of the informant went to attend the nature's call and when she did not return home after two-three hours, he started searching his wife, but he could not find any trace of his wife. It has further been alleged that the wife of the informant used to talk secretly to the



accused Gautam Kumar on mobile phone. It has further been alleged that the wife of the informant had taken away Rs. 15,000/- and jewellery along with her.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He further submits that the petitioner has got no criminal antecedent and he is not named in the First Information Report. He next submits that the name of the petitioner transpired in the confessional statement of co-accused Gautam Kumar, who was arrested in connection with this case on 15.07.2022, and co-accused Gautam Kumar has confessed that he, along with his friends, including the petitioner, killed the wife of the informant and threw her dead body in the river.
5. I have heard learned Counsel for the parties concerned and have perused the material available on record, including the case diary.
6. From perusal of the impugned order as well as the case diary, it transpires that the co-accused Gautam Kumar, in his confessional statement, has disclosed that he, along with his friends, including the petitioner, killed the wife



of the informant and threw her dead body in the river.
The slippers of the deceased was also recovered by the police from the bank of the river.

7. Considering the above, I do not find any reason to differ with the findings arrived at by the learned Special Judge, Madhepura, inasmuch as the case is under investigation, wherein the custodial interrogation of the petitioner may be necessary based upon the material collected by the police during course of investigation. As such, I am not inclined to grant anticipatory bail to the petitioner.
8. This application is, accordingly, dismissed.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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