

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31331 of 2024

Arising Out of PS. Case No.-126 Year-2011 Thana- SIRDALA District- Nawada

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Lalu Kumar @ Lalu Prasad @ Aaditya Prasad @ Aaditya Kumar Son of
Mahabir Prasad Yadav Resident of Village- Mahugayan, P.S.- Sirdala, Dist.-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

2 03-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has challenged the order dated 27.01.2021 passed by learned Additional Chief Judicial Magistrate, 1st, Nawada in Sirdala P.S. Case No. 126 of 2011, taking cognizance of offences under Sections 364, 120(B) and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant alleged that on 16.09.2011 at about 03:00 P.M. two accused persons namely Bugal Prasad @ Mulayam Singh Yadav and Naresh Yadav came at the house of the informant and took her husband with them but her husband did not return since then. Thereafter, when she asked from both the accused persons they did not reply satisfactorily.

4. Learned counsel for the petitioner has challenged



the order taking cognizance dated 27.01.2021, wherein the cognizance has been taken against the petitioner under Section 364/120(B) and 34 of the IPC.

5. The present case relates to kidnapping for the purpose of murder under criminal conspiracy coupled with common intention. The learned counsel for the petitioner submits that the only material against the petitioner is that certain amount has been credited to his bank account.

6. Learned counsel for the State vehemently opposes this application and has submitted that the charge-sheet has also been submitted against the petitioner and there are certain material against him for *prima facie* arriving at the conclusion that the petitioner is an accused of the case.

7. Considering the facts that this case is of serious nature involving criminal conspiracy, kidnapping for the purpose of murder and common intention and the grounds pleaded by the petitioner by way of defense, this quashing application is devoid of merits and is accordingly dismissed.

(Praveen Kumar, J)

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