

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 546 of 2014

1. Nand Lal Dubey;  
2. Jitendra Tiwari ..... Petitioners

-V e r s u s -

State of Jharkhand ..... Opposite Party

...

**CORAM: - HON'BLE MR. JUSTICE D. N. UPADHYAY**

For the Petitioners : Mr. M.K. Habib, Advocate.  
For the State: : APP.

2/30.08.2014 Heard the parties.

The petitioners are accused in connection with Kurdeg P.S. Case No. 35/2013 [GR. No. 470 of 2013], for the offence under Sections 302/ 201/ 34 of the Indian Penal Code, pending in the Court of S.D.J.M. Simdega.

The informant is a Chowkidar who noticed presence of a dead body in a highly decomposed condition and part of the body was eaten by some animals. The information was given to the Police and this case was registered.

During investigation the dead body was identified as that of one Keshnath Singh. Son of the deceased had given statement that petitioner no. 1 - Nandlal Dubey called the deceased and took the deceased with him on the pretext to provide job at Simdega. When son of the deceased was unable to contact his father then he contacted Nand Lal Dubey and asked him whereabouts of his father but no cogent reply was given. Lastly son of the deceased along with his relatives came to the place of Nand Lal Dubey but even then no cogent reply was given. Lastly son of the deceased went to the Kurdeg Police Station and could identify belongings of the dead body collected by the Police from the place where dead body was lying. The petitioner no. 2 who happens to be relative of petitioner no. 1 also disappeared. The evidence collected in the Case Diary further indicates that both the petitioners were in contact with the deceased.

It is submitted that save and except suspicion no cogent evidence has been collected by the Investigating Officer.

On the other hand, learned counsel appearing for the State has opposed the prayer .

Considering early stage of investigation and the evidence that the petitioner no. 1 took the deceased with him on some pretext and thereafter deceased was not seen alive, I do not feel inclined to consider prayer under Section 438 Cr.P.C. Consequently, the petition stands dismissed.

**(D. N. Upadhyay, J.)**