

**NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
LUCKNOW
SUPPLEMENTARY FINAL REPORT
(U/s 173 (8) Cr. PC)
BEFORE THE HON'BLE SPECIAL JUDGE NIA RANCHI**

**STATE
V/S
ANIL KUMAR YADAV AND OTHERS**

1	Name of the Police Station FIR No. Date	National Investigation Agency, New Delhi RC 08/2012/NIA-DLI 17.12.2012
2	Final Report	CS No. 04 B of 2014
3	Date	07.12.2017
4	Sections of law	Section 386, 387, 121, 121(A), 414, 120(B) of IPC, Section 25(1-b)a, 26, 35 of Arms Act, Section 10, 13, 17, 18, 20 of UA (P) Act, Section 17 of Cr. L A Act.
5	Type of Final Report	Supplementary Charge-sheet
6	Name of the Investigation officer	[REDACTED]
9	Name of the complainant	[REDACTED]
10	Details of Properties/Articles/ Documents recovered/seized During further investigation and relied upon	List Enclosed (Annexure III)

11. PARTICULARS OF ACCUSED PERSONS

Prafulla Malakar (A-1)- (Charge sheeted by District Police and Supplementary Charge-sheeted by NIA)

a.	Name	(A-1) : Prafulla Malakar
b.	Father's Name	Late Nandkeshwar Bhagat
c.	Age	30 years
d.	Sex	Male
e.	Nationality	Indian
f.	Passport Details	Not Available
g.	Religion	Hindu
h.	Occupation	Naxal activities
i.	Address(Present)	Resident of Village Chainpur, Police Station-Bhagwanganj, District Patna, Bihar.
j.	Address (Permanent)	Same as above
k.	Whether Arrested/on Bail/Absconding	Arrested on 29.08.2012 and presently on bail.

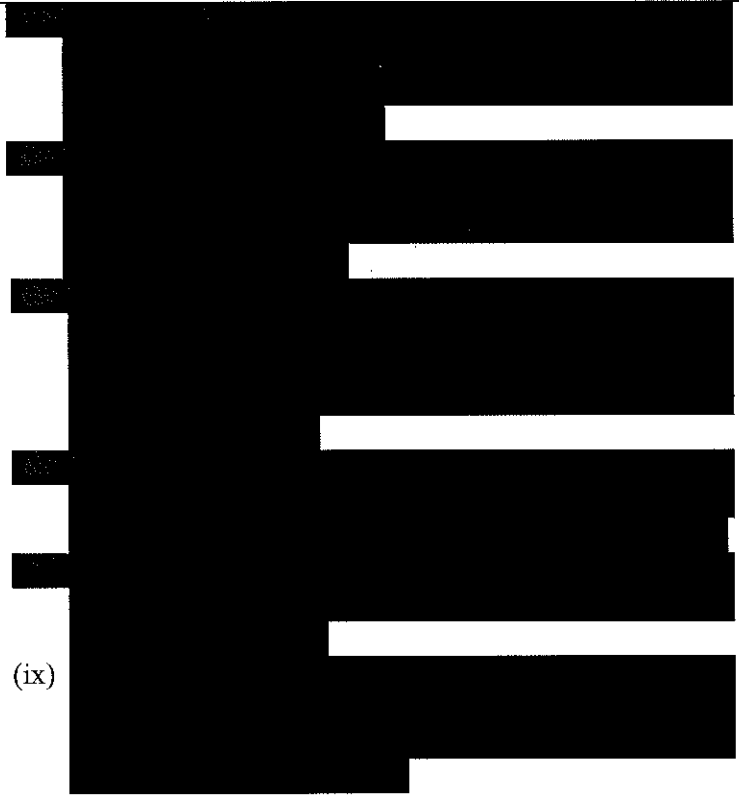
Anil Kumar Yadav (A-2) (Charge sheeted by District Police and Supplementary Charge-sheeted by NIA)

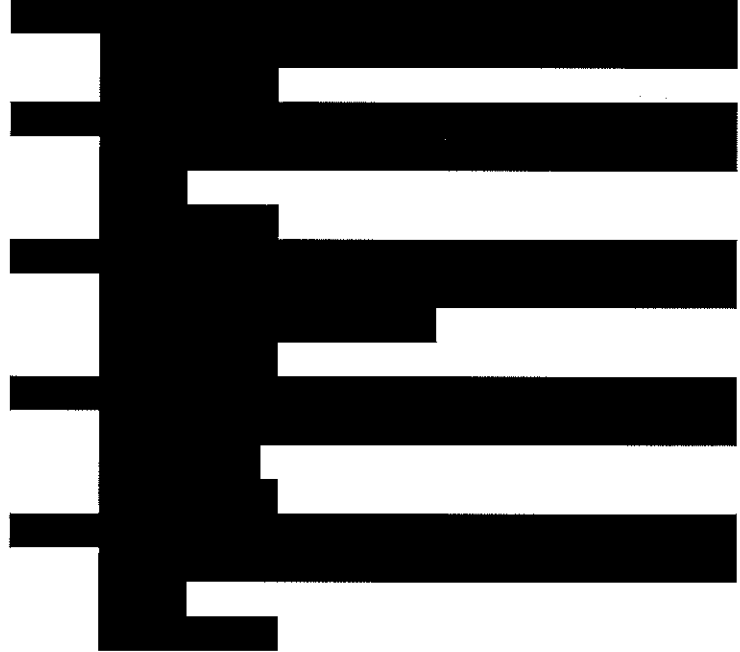
a.	Name	(A-2): Anil Kumar Yadav
b.	Father's Name	Arjun Yadav
c.	Age	22 years
d.	Sex	Male
e.	Nationality	Indian
f.	Passport Details	Not Available
g.	Religion	Hindu
h.	Occupation	Naxal activities
i.	Address(Present)	Resident of Village Asurain, Police Station Imamganj, District Gaya, Bihar.
j.	Address (Permanent)	Same as above
k.	Whether Arrested/on Bail/Absconding	Arrested on 29.08.2012 and presently on bail.

Mantu Kumar Sharma (A-3) (Charge-sheeted by NIA)

a.	Name	(A-3): Mantu Kumar Sharma @ Sanjay Singh
b.	Father's Name	Vijay Sharma
c.	Age	38 years
d.	Sex	Male
e.	Nationality	Indian
f.	Passport Details	Not Available
g.	Religion	Hindu
h.	Occupation	Supply of Arms to Naxals
i.	Address(Present)	Resident of (on rent) J-176 PC Colony, Purvi Indira Nagar, Mode Police Station Kankarbagh, Patna, Bihar.
j.	Address (Permanent)	Resident of Village Gamhari, Police Station Uphara, District Aurangabad, Bihar.
k.	Whether Arrested/on Bail/Absconding	Arrested on 28.08.2012 and presently on Bail in the instant case. (Lodged in District Jail, Lucknow in other case)

12. PARTICULARS OF ACCUSED PERSONS

Accused named FIR & not Charge sheeted:	
	(ix)

<p>Accused came into light during investigation & not Charge sheeted:</p>	
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13. (I) PARTICULARS OF WITNESSES EXAMINED DURING FURTHER INVESTIGATION AFTER SENDING SUP. CS: Separate list attached as Annexure-I.


(II) LIST OF DOCUMENTS COLLECTED DURING FURTHER INVESTIGATION AFTER SENDING SUP. CS: Separate list attached as Annexure – II

14. IF FIR IS FALSE; ACTION TAKEN: N.A.

15. RESULT OF LABORATORY:

Analysis: As mentioned in Para 17-01.

16. BRIEF FACTS OF THE CASE

16.01 On 29.08.2012,  of Police Station Chauparan, District Hazaribagh, received an information about supply of illegal arms and ammunitions to members of CPI (Maoist) a banned organisation inside Silodhar forest. The Police team raided the place and arrested one person with one brown colour bag on his shoulder. The accused disclosed his name as Prafulla Malakar son of Late Nandkeshwar Bhagat, resident of village- Chainpur, Police Station Bhagwanganj, District Patna, Bihar.

After his arrest the accused Prafulla Malakar confessed before the Police raid party that he was working as supplier of Arms and Ammunitions for banned outfit CPI (Maoist). From his possession one 5.56 mm, M-16 Colt Rifle on which COLT-A.R.15 property of U.S. Government, 14 live rounds of 5.56 mm with magazine, one B.P. Jacket kept in a bag and two mobile phones were recovered. During further interrogation the accused Prafulla Malakar (A-1) disclosed that one Anil Kumar Yadav (A-2), a Zonal Commander of Bihar Jharkhand Maoist Organisation Arms Supply Unit, was coming there with money for receiving delivery of Arms Ammunitions etc, which Prafulla Malakar (A-1) was carrying for delivery. The Police team waited for Anil Kumar Yadav (A-2) and later arrested him as he was identified by Prafulla Malakar (A-1). During interrogation the accused disclosed his name and address as Anil Kumar Yadav son of Arjun Yadav, resident of Village Asurain, Police Station Imamganj, District Gaya, Bihar. Rupees Nine Lakh from a black colour bag, One micromax mobile without SIM, one Nokia Mobile Phone with SIM and one 9 mm Pistol with two cartridges were recovered from accused Anil Kumar Yadav (A-2). The second seizure memo was also prepared.

- 16.02** A Case FIR No. 187 of 2012 dated 29.08.2012 under section 386, 387, 121, 121(A), 414, 120B, I.P.C, Section 25(1-b) a, 26, 35 Arms Act, section 10, 13, of Unlawful Activities (Prevention) Act and section 17 Cr LA Act was registered in PS Chauparan District Hazaribagh Jharkhand.
- 16.03** The case was investigated by District Police Hazaribagh and after investigation Charge-sheet number **133 dated 26.11.2012** was submitted under Section 386, 387, 121, 121(A), 414, 120B, I.P.C, Section 25(1-b) a, 26, 35 Arms Act, section 10, 13, of Unlawful Activities (Prevention) Act and section 17 Cr LA Act against accused Prafulla Malakar (A-1) and Anil Kumar Yadav (A-2).
- 16.04** Subsequently in compliance to the Ministry of Home Affairs Order No. F. No. 11011/55/2012-IS.IV dated 7th December, 2012 NIA re-registered case no. RC-08/2012/NIA/DLI on 17th Dec, 2012 under the same sections of law as applied by the State Police.
- 16.05** During further investigation the NIA filed a Supplementary Charge sheet No.-04 dated 31-07-2014 on the basis of the additional evidence collected during further investigation against accused Prafulla Malakar (A-1) and Anil Kumar Yadav (A-2) who have already been charge-sheeted by local police Section under section 386, 387, 121, 121(A), 414, 120(B) of IPC, Section 25(1-b)a, 26, 35 of Arms Act, Section 10, 13 of UA (P) Act, section 17 of Cr. L A Act. The supplementary Charge-sheet number **04** dated 31-07-2014 under additional sections 17, 18 and 20 of UA (P) Act against Prafulla Malakar (A-1) and Anil Kumar Yadav (A-2) and on the basis of the additional evidence collected during further investigation against accused Mantu Sharma (A-3) Under Section(s)

121,121 A,414,120 B of IPC, section 25(1-b)a, 26 Arms Act and section 17, 18 &20 of UA (P) Act has been filed in the Hon'ble Special Court of NIA Ranchi on 04.08.2014.

16.06 The second Supplementary Charge-sheet No.-04A/2014 dated 23.05.2015 was filed against (A-1), (A-2) & (A-3) with adding some additional evidence.

17. FACTS DISCLOSED IN FURTHER INVESTIGATION

Some more additional evidences was collected during the further investigation:

17.01 During the further investigation, Letter No. RC-08/2012/NIA/DLI/1552 dated 01 July, 2015 was sent to District Collector Udhampur Jammu & Kashmir with request the verification of Arms Licence issued in the name of Mantu Kumar S/o Vijay Sharma R/o Amhara PS Bihta, District Patna, Bihar P/A 9 Para, Regt C/o 56 APO (Bihar) regarding Licence No. 110/ADC/2007, date of issue/renew 12.03.2007, 12.09.2007, 31.03.2009, from Udhampur J &K. In this reference [REDACTED] informed vide his office Letter No. DMU/Army/2676 dated 09.07.2015 that License No. 110/ADC/2007 dated 12.03.2007 and 109/ADC/2007 dated 12.03.2007 have neither been issued by the office of District Magistrate, Udhampur, J&K nor any purchase permit was issued.

[REDACTED] During the further investigation, production memo of original CAF dated 29.05.2015 was drawn for the letter of [REDACTED], dated 29.05.2015 with the original CAF of Mobile number [REDACTED] in the name of [REDACTED]

17.03 During the further investigation, production memo of original CAFs dated 01.06.2015 was drawn with the letter of [REDACTED] dated 23.05.2015 with following original CAFs:-

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17.04 During investigation, sufficient prosecutable evidence against the accused persons (A-4), (A-5), (A-6), (A-7), (A-8), (A-10), (A-11), (A-12), (A-13), (A-14) could not be found linking these accused to the instant case. Prosecutable evidence against (A-9) was found, but he died on [REDACTED].

18 Charges:

Mentioned in Supplementary Charge-sheet dated 31.07.2014.

- (i) Some more additional evidence against the accused persons (A-1), (A-2) and (A-3) collected during further investigation is being submitted herewith for the perusal and consideration of this Hon'ble Court during trial. Therefore, it is most respectfully prayed that in the interest of justice further evidence submitted herewith, may be kept on record for the kind consideration of the Hon'ble Court.
- (ii) During investigation, sufficient prosecutable evidence against the accused persons (A-4), (A-5), (A-6), (A-7), (A-8), (A-10), (A-11), (A-12), (A-13), (A-14) could not be found linking these accused to the instant case. Hence, for want of sufficient evidence for their prosecution and because of death of (A-9), the investigation against the accused persons (A-4), (A-5), (A-6), (A-7), (A-8), (A-9), (A-10), (A-11), (A-12), (A-13), (A-14) is being closed.

19. Dispatched on –

20. Number of enclosures- 3

21. List of enclosures-

- (i) **Annexure I-** List of witnesses
- (ii) **Annexure II-** List of documents
- (iii) **Annexure III-** List of material objects collected during further investigation.

[REDACTED]

