

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37651 of 2014

Arising Out of PS.Case No. -382 Year- 2008 Thana -KAHALGAON District- BHAGALPUR

Ranbir Singh, S/o Kuldeep Singh alias Kuldeep Narayan Singh, R/V-
Janmohammad, P.S. Kahalgaon, District-Bhagalpur.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate & M/S.
Indu Bhushan and Sunil Kumar,
Advocates.

For the Opposite Party : Mr. Renu Kumari(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

8 22-04-2015 Heard learned senior counsel for the petitioner as well as
Additional Public Prosecutor for the State.

The petitioner is in jail custody since 19.08.2014 in a
case registered under Sections 302, 201 of the Indian Penal Code
and 27 of the Arms Act.

Initially, the case was registered against unknown when
the dead body of deceased was found on the railway track and
after investigation, the police submitted charge sheet against one
Haribol Jha on 23.01.2009. The charge against aforesaid accused
Haribol Jha was framed vide Sessions Court on 25.04.2009. After
framing of charge against accused Haribol Jha, the police got
recorded his statement under Section 164 of Cr. P.C. on
14.05.2009 before the learned Magistrate and in course of that

statement, the aforesaid accused Haribol Jha disclosed about the involvement of the petitioner in the present crime and gave exact picture of the alleged occurrence and thereafter the charge sheet was submitted against the petitioner showing him as absconder.

The contention on behalf of the petitioner is that the statement of accused Haribol Jha recorded under Section 164 of Cr. P.C. is not legal evidence because admittedly the accused Haribol Jha was charge sheeted and charge against him was framed prior to recording his statement under Section 164 of Cr. P.C. He further submitted that the statement of accused Haribol Jha had been recorded by the Investigating Officer under Section 161 of Cr. P.C. in course of investigation but he did not make any allegation against the petitioner but subsequently, the police with an intent to implicate the petitioner in the present case, got recorded the statement of accused Haribol Jha under Section 164 of Cr. P.C. It is further pointed out by him that even if the statement of accused Haribol Jha recorded under Section 164 of Cr. P.C. is accepted in toto, then also, the aforesaid accused Haribol Jha is not an eye witness of actual killing of deceased and he stated only to this extent that some persons took the deceased behind the Samudayik Bhawan and after that, the petitioner went there and accused Haribol Jha heard sound of firing and, therefore,

it cannot be said that it was the petitioner who shot fire at the deceased. He further submitted that so far as the other accused are concerned, they have already been granted bail by different orders of this Court.

No one appears on behalf of the informant to controvert the above stated facts.

Considering the aforesaid facts and circumstances as well as submission of the petitioner, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Adhoc Additional District & Sessions Judge-III, Bhagalpur, in connection with Sessions Trial No. 402 of 2014/Trial No. 24 of 2014, arising out of Kahalgaon P.S. Case No. 382 of 2008, subject to condition that the petitioner shall attend the trial court on each and every date in person for the period of one year or till conclusion of trial, whichever is earlier, and if the petitioner fails to do so, on three consecutive dates without any reasonable explanation, the trial court shall be at liberty to cancel the bail bonds of the petitioner after due and proper enquiry.

U.K./-

(Hemant Kumar Srivastava, J)

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