

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29101 of 2014

Arising Out of PS.Case No. -112 Year- 2013 Thana -BUXAR MUFFSIL District- BUXAR

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1. Subhash Ram @ Subhash Chandra Ram, S/o- Late Deopujan Ram, R/o
Village - Mahdah, P.S. - Buxar, Distt. - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 02-07-2015

The petitioner figured as accused in Buxar (M) P.S.

Case No.112 of 2013 wherein offences punishable under Section 302, 201, 120B and 34 of the Indian Penal Code are alleged. Apprehending his arrest, he filed A.B.P. No.130 of 2014 before the Court of Sessions Judge, Buxar. The same was rejected on 27.05.2014. Hence, this application under Section 438 Cr. P.C.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The plea of the petitioner is that his name was not mentioned by any of the witnesses. It is only on the basis of hearsay of the brother of the deceased that he came to know about the name of the petitioner on the revelation of two women, by name Gania Devi and Pinki Kumari, that the name of the petitioner was included. It is urged that in the statements under

Section 164 Cr. P.C. those two women did not mention the name of the petitioner, still he is sought to be arrested, and that since he is employed in Tripura Rifles, his arrest may lead several complications.

It is no doubt true that in the statements of the two women recorded under Section 164 Cr. P.C., there is no mention of the name of the petitioner. All the same, the petitioner has to make himself available for the investigation. For that purpose, he can appear before the trial Court and move an application for bail, and having regard to the fact that he is a member of armed forces, he can be released on bail on the same day.

Hence, the application is disposed of directing that in case, the petitioner appears before the trial Court and moves an application for bail within four weeks from today, he shall be released on bail imposing relevant conditions and he shall cooperate in the investigation.

(L. Narasimha Reddy, CJ)

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