

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34274 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -NARHAT District- NAWADA

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1. Sarvesh Kumar @ Khabari Lal Son of late Kapildeo Singh Resident of Village Barat Ps. Sitamarhi Distirct Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Narsingh Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 29-10-2015

Heard both sides.

The petitioner apprehends arrest in a case registered for the offences punishable under sections 302 of the Indian Penal Code and section 27 of the Arms Act.

The F.I.R. was lodged against unknown. Deceased Jitendra Rajbanshi had gone to meet his cousin living in village Gajra on 24.02.2015 but he did not return. During course of investigation one Kundan Kumar was apprehended and he is said to have confessed his guilt.

It is submitted that the learned Sessions Judge has referred to paragraph 32 and 33 of the case diary and stated that Kundan Kumar disclosed the name of the petitioner but it is an error on record. Kundan Kumar disclosed the names of Chunnu

Sardar and Mangal Singh. Kundan Kumar did not name the petitioner. Kundan Kumar in paragraph 33 of the case diary also did not name the petitioner. Name of the petitioner figured in the case in paragraph 72 of the case diary in the supervision note of the Deputy Superintendent of Police without having any material on record.

Learned Additional Public Prosecutor did not dispute the fact.

Considering the facts aforesaid, the petitioner above named, in the event of arrest or surrender within four weeks from the date of receipt/communication of this order, shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawadah in connection with Narhat P.S. Case No. 25 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Jha, J)

Amin/-

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