

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3761 of 2015

Arising Out of PS.Case No. -199 Year- 2014 Thana -GAURICHAK District- PATNA

Sunil Kumar S/O Late Chadrika Prasad Resident of vill-Parwalpur,P.S-
Parwalpur,Distt.-Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.9271 of 2015

Arising Out of PS.Case No. -199 Year- 2014 Thana -GAURICHAK District- PATNA

Rajmani Yadav Son of Jugal Yadav, resident of village- Mai, P.S.-
Parwalpur, District- Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.3761 of 2015)

For the Petitioner/s : Mr. Prakash Ranjan Sinha

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

(In Cr.Misc. No.9271 of 2015)

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Rajesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 21-04-2015

Both the above stated petitions arise out of
Gaurichak P.S. Case No. 199 of 2014 registered under Section 395
of the Indian Penal Code and accordingly, both the above stated
petitions are being disposed of by this common order.

Heard learned counsel appearing for petitioners as

well as learned Additional Public Prosecutor for State.

Petitioners are not named in the First Information Report but in course of investigation, they were arrested and petitioner in Cr. Misc. No. 9271 of 2015 was put on test identification parade and was identified by the informant. So far a petitioner in Cr. Misc. No. 3761 of 2015 is concerned, he was not put on test identification parade but it is said that one Bolero, which is said to have been used in the alleged crime, was recovered from his house.

The contention on behalf of the petitioner in Cr. Misc. No. 3761 of 2015 is that the description of the Bolero has not been given in *fardbeyan* of the informant nor in his further statement and the Bolero has been seized only on the basis of its colour.

Learned counsel appearing in Cr. Misc. No. 9271 of 2015 submits that petitioner was arrested in a case of Arms Act and subsequently, he was remanded in this case and put on test identification parade. It is further contended by him that it is a case of single identification and it is a matter of common sense that the case of single identification is always seen with suspicion.

Considering the facts and circumstances of the case as well as submissions of the parties, the prayer for bail of

petitioner in Cr. Misc. No. 3761 of 2015, namely, Sunil Kumar is allowed and it is ordered that above stated petitioner be released 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 Judicial Magistrate, 1st Class, Patna City, Patna in connection with Gaurichak P.S. Case No. 199 of 2014.

So far as petitioner in Cr. Misc. No. 9271 of 2015, namely, Rajmani Yadav is concerned, his prayer for bail is rejected in connection with Gaurichak P.S. Case No. 199 of 2014 pending in the court of the learned Judicial Magistrate, 1st Class, Patna City, Patna at this stage. However, the above stated petitioner may renew his prayer for bail after framing of the charge.

(Hemant Kumar Srivastava, J.)

Sanjay/-

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