

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.382 of 2015

Arising Out of PS.Case No. -90 Year- 2014 Thana -DULHIN BAZAR District- PATNA

Sanjay Yadav Son of Jaynandan Yadav Resident of Village-Bharatpura,P.S-Dulhin Bazar, District-Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party : Mr. S. Eheteshmuddin, APP

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 04-03-2015 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for offences punishable under Sections 302/201/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that the name of the petitioner has been taken by the informant only on the basis of suspicion and hearsay even she has not stated either in the first information report or in her further statement that who had informed her regarding the manner in which occurrence has taken place. She has stated everything on the basis of information given by some other person. Even in Paragraph 35 of the case diary, the alleged independent witness has taken the name of the petitioner and others on the basis of hearsay. In paragraph 36 of case diary

the witness neither declares herself to be an eye witness nor a hearsay witness and she has simply supported the case of the informant. It is submitted that even if it is assumed that she was an independent eye witness then again it would be a question to be answered by the prosecution as to why the statement of such an important witness could not be recorded immediately and was ultimately recorded after two months from the date of occurrence.

Considering the facts and circumstances of the case, the petitioner, namely, Sanjay Yadav is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sri Rahul Kumar, Judicial Magistrate, 1st Class, Danapur in Dulhin Bazar P.S. Case No. 90/2014.

(Dr. Ravi Ranjan, J)

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