

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41854 of 2015

Arising out of PS.Case No. -77 Year- 2014 Thana -BHOJPUR GRP CASE District- BHOJPUR

Tutoo Chaudhary @ Rahul Ranjan Chaudhary, son of late Ramagya Chaudhary, resident of village- Kurmi Tola, Anaith, P.S Ara Nawada, Dist- Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajendra Nath Sinha, Advocate.

For the Opposite Party : Mr. Smt. Anita Kumari Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 24.11.2014 in connection with Ara Rail P.S. Case No. 77 of 2014 for the offences instituted under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on the alleged date and time of occurrence, the deceased Rajnish Kumar went towards south side of Platform No. 3 on Mobile call where any unknown person fired on him to which he sustained fire arm injury in his chest and he fell down towards south side of Railway Track and he died during treatment.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 24.11.2014 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is not named in the FIR. Subsequently, the informant himself has named this petitioner in his further statement. There is no reason on behalf of the prosecution to explain why the informant did not name the petitioner in the FIR itself. There is no direct or indirect evidence against the petitioner.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioner above named is directed to 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 Railway Judicial Magistrate, Ara, in connection with Ara Rail P.S. Case No. 77/2014.

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(Sudhir Singh, J)