

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37089 of 2014

Arising Out of PS.Case No. -120 Year- 2014 Thana -KARPI District- JEHANABAD

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Rajeshwar Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 27-01-2015

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State, as also heard learned
counsel appearing for the informant.

Altogether 6 persons, including the petitioner are
named in the first information report and the informant himself as
also his nephew, namely, Anand Sharma claimed eye witnesses of
the alleged occurrence and both of them also claimed that they
sustained injury in the aforesaid occurrence. The present case was
registered in the morning of 18-06-2014 and according to
prosecution case; the alleged occurrence has taken place at about
7.30 p.m. of 17-06-2014.

No doubt, paragraphs-58 & 59 of the case diary reveal
that the doctor found injury on the person of the informant and his
nephew but learned counsel for the petitioner drew my attention
towards column 3 of inquest report and submitted that the inquest
of the deceased was prepared at 6.00 a.m. on 18-06-2014 and the

informant gave his written report at 8.00 a.m. on 18-06-2014 i.e. after two hours of preparation of the inquest report and the aforesaid circumstance goes to show that there was ample opportunity for the informant to implicate the petitioner and others due to land dispute. Moreover, the postmortem report of the deceased shows that no sharp cutting injury was found on the person of the deceased whereas; the informant claimed in his written report that the petitioner and his associates were armed with Khanti, Lathi etc.

Therefore, considering the aforesaid facts and circumstances as well as submission of the parties, particularly, keeping in mind that no specific overt act has been attributed against the petitioner, let the petitioner named above, be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Karpi P.S. Case No. 120 of 2014 to the satisfaction of Chief Judicial Magistrate, Jehanabad.

(Hemant Kumar Srivastava, J.)

A.K.V./-

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