

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23441 of 2016

Arising Out of PS.Case No. -10 Year- 2005 Thana -SONO District- JAMUI

1. Binod Burnwal son of Late Deosharan Burnwal, resident of Village Charkapathar (Beharwa Tari), P.S. Charkapathar (Sono), District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Aditya Narayan Singh 1(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 12-07-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 302 and other minor sections of the Indian Penal Code and Section 17 of C.L.A. Act.

Petitioner is not named in the first information report but in course of investigation, the name of petitioner surfaced in this case at para-135 of the case diary that is too, after one month of the alleged occurrence. Learned Additional Sessions Judge has referred para- 24, 34 and 37 of the case diary to show the involvement of the petitioner in the alleged occurrence but from perusal of the case diary I find that nothing had come against the petitioner in the aforesaid paragraphs but even then the learned

Additional Sessions Judge referred the aforesaid paragraphs for rejecting the bail petition of the petitioner. However, at para-135 of the case diary the name of petitioner came on the basis of information given by the villagers and it appears that except the aforesaid material as well as confessional statement of co-accused, there is nothing against the petitioner.

No doubt, petitioner could be remanded in this case after ten years of the occurrence but taking note of the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind that after institution of the present case petitioner was made accused in only one case i.e. Sono P.S. Case No. 75 of 2015 from which he was remanded in the present case, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Jamui in connection with Sono P.S. Case No. 10 of 2005.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--