

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27165 of 2016

Arising Out of PS.Case No. -59 Year- 2013 Thana -BITHAN BAZAR District- SAMASTIPUR

=====

1. Ashok Yadav Son of Diyali Yadav Resident of village - Bhikhnaulia,
Police Station Bithan, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-08-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 147/
148/149/341/323/325/307/302 and 120(B) of the Indian Penal
Code.

Diary in this case was called for earlier which has since
been received.

Learned counsel for the petitioner submits that admittedly
the First Information Report reveals that the informant received
information telephonically regarding the attack being made on his
son at the Bazar and rushed thereto where he found his son lying
in an injured condition. Learned counsel for the petitioner further
submits that though the petitioner is not named in the First

Information Report, later on, on the basis of the statement made by one person who had reached there just after the occurrence and had sent information to the father telephonically, the name of this petitioner has been brought into the present case. Learned counsel for the petitioner further submits that in the subsequent statement made by the informant, he states that he was also present at the place of occurrence.

Learned counsel appearing on behalf of the State has pointed to various paragraphs of the case diary wherein different witnesses have made description of the occurrence. One such description has been offered by one Jeevach Yadav, cousin of the informant, who states that it was he who had reached the place of occurrence just after the deceased received injuries and had informed the father of the deceased. However, another witness Kapil Deo Yadav has gone to give a vivid description of the occurrence stating that the father of the deceased was also present at the place of occurrence which has never been the case of the informant in his *Fardbeyan*.

Considering the fact that there being contradictory version in the case diary and that the prosecution case differs from the various statements made, subsequently, the prosecution case as carved out in the First Information Report, having serious

discrepancies in the prosecution case and also the petitioner has no criminal antecedent, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur, in connection with Bithan P.S. Case No. 59 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

Saif/-

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