

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24199 of 2016

Arising Out of PS.Case No. -241 Year- 2015 Thana -BARH District- PATNA

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1. RAVI KUMAR @ RAVI VIDYARTHI son of Uma Shankar Vidyarthi,
resident of village- Chondi Par, P.S.- Barh, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s Mr. Sanjay Kr. Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 25.07.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 302
and other minor sections of the Indian Penal Code and 27 of the Arms
Act.

Present case was lodged against five named and two
unknown persons.

Petitioner is named accused and there is allegation against
him that he along with Chandan Kumar, Kanhaiya and Bhushan Singh
forcibly took the deceased and two other persons by a vehicle.
Subsequently, on the next day, dead body of the deceased was
recovered and so far as rest two persons are concerned, they were
released by the petitioner and others.

Submission on behalf of the petitioner is that according to
the prosecution case itself, one Pradeep Kumar, Kaju Pandey and

Sonu were taken away by the accused of the present case with deceased but subsequently, aforesaid three persons were released by the culprits.

It is pointed out on behalf of the petitioner that statement of Pradeep Kumar was recorded by the Investigating officer at para 347 of the case diary but the aforesaid witness has not named the petitioner. It is also pointed out that so far as statement of Kaju Pandey is concerned, the same has not been recorded by the police in course of investigation and so far as third victim, namely, Sonu is concerned, his alias name is Rajesh and, as a matter of fact, just after the alleged occurrence the aforesaid Sonu @ Rajesh lodged Barh P.S. Case no. 274/2015 against unknown persons giving different version. It is submitted that the aforesaid Sonu @ Rajesh stated in his fardbeyan recorded in Barh P.S. Case no. 274/2015 that while he along with one another person was going by motorcycle, some persons had blocked the main road and when he crossed the road, he was badly assaulted by the aforesaid persons. Furthermore, submission on behalf of the petitioner is that statements of the informant and some other witnesses were recorded under section 164 Cr.P.C but they made contradictory statements. It is further submitted that having more or less similar allegation co-accused Kanhaiya @ Kanhaiya Kumar, Rishi Kumar @ Rishikesh Kumar and some others have already been granted privilege of bail by different benches of this court whereas petitioner is languishing in jail custody since long. It is also pointed out that prior to institution of the present case, petitioner was made accused in only one case.



On the other hand, learned Addl. Public Prosecutor opposes the prayer submitting that in course of investigation, almost all witnesses supported the prosecution story but he fairly concedes this fact that case of co-accused Kanhaiya @ Kanhaiya Kumar is also on similar footing to that of the present petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge I, Barh, Patna in Sessions Trial no. 168/2016 arising out of Barh P.S. Case no. 241/2015.

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(Hemant Kumar Srivastava,J)

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