

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25097 of 2016

Arising Out of PS.Case No. -26 Year- 2015 Thana -MAIRWA District- SIWAN

1. Ghanshyam Patel, son of Shree Ramjee Patel, resident of village Nawaka,
Police Station Mairwa, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Nand Shukla-Advocate

For the Opposite Party/s : Mr. Pranav Kumar (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 12-07-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Informant, father of Hari Shankar Chaudhary
deceased, filed written report on 07.02.2015 disclosing therein that
on preceding evening, his son Hari Shankar Chaudhary had gone
out of his house, but did not return in night. They were expecting
his presence at his sasural. However, today in the morning hour
villagers came and disclosed that dead body of Hari Shankar
Chaudhary lying near railway crossing over which, all the family
members have gone there and found the dead body lying having
ante-mortem injuries over his right side of head and blood was
spread over. Deceased was to be lifted to hospital, but till then, he
was already dead. Therefore, he had suspected that on account of

rash and negligent driving, deceased might have been crushed.

From perusal of the case diary, it is evident that three sets of evidence have been collected by the I.O. Para-5 is the further statement of informant, Para-7 Laxman Prasad, Para-8 Rajesh Rai and they have narrated the same story. The second set of evidence is found from Para-14 wherein the I.O. incorporated the supervision note and during course thereof, identified non-F.I.R. accused Shambhu Gope as well as Bharat Mishra. Subsequently thereof, Kapil Chaudhary, elder brother of deceased Para-22, Puja Kumari, daughter of deceased Para-23 have been collected wherefrom it is evident that Bharat Mishra and Shambhu Gope accompanied the deceased. Then thereafter, third kind of material has been collected and during course thereof, another elder brother of deceased Gauri Chaudhary Para-31, Bindu Devi, wife of deceased Para-34, further statement of informant Para-45, Satyendra Ram Para-95, Parshu Ram Sah Para-98, Jai Prakash Yadav Para-122, Madan Yadav Para-126 have been collected and during course thereof, the prosecution tried to substantiate by placing additional evidence concerning Panchayati and the document of Panchayati has been annexed with the case diary and is found also incorporated at Para-32, 33 of the case diary. Both two relates with co-accused Shambhu Gope as well as Bharat

Mishra and not of this petitioner. Apart from this, it is evident from the statement of the witnesses that it happens to be Parshu Ram Sah, who had disclosed regarding complicity of Bharat Mishra, Shambhu Gope and Ghanshyam Patel. However, from Para-98, it is evident that he had not corroborated the same.

Therefore, from the statement of the witnesses as stated above, it is evident that presence of petitioner stood at third stage and on account thereof, complicity of petitioner became doubtful and on that very score, for the present found entitled for bail. Though, at an earlier occasion, co-accused were granted bail as till then, I.O. had not examined Parshu Ram Sah.

Accordingly, petitioner, **Ghanshyam Patel** 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 Chief Judicial Magistrate, Siwan in connection with Mairwa P. S. Case no.26 of 2015.

(Aditya Kumar Trivedi, J)

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