

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33826 of 2016

Arising Out of PS.Case No. -229 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

=====

Raj Kishore Yadav @ Atish Yadav S/o Late Prabhu Yadav Resident of
Village- Chhawani, Ward No.5, P.S.- Bettiah Town, district- West
Champaran Bettiah.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

with

Criminal Miscellaneous No.34789 of 2016

Arising Out of PS.Case No. -229 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

=====

Anish Kumar Gupta @ Ranjeet Kumar son of Rajeshwar Prasad Resident of
Village- Chhawani, Ward No.5, P.S.- Bettiah Town (Kalibagh O.P.),
district- West Champaran Bettiah.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

(In Cr.Misc. No.33826 of 2016)

For the Petitioner : Mr. Gauri Shankar Thakur, Advocate

For the Opposite Party : Mr. Sri Uma Shankar Prasad Singh, APP

(In Cr.Misc. No.34789 of 2016)

For the Petitioner : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party : Mr. Smt. Rita Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 24-10-2016

Heard.

Both the above stated petitions arise out of

Bettiah Town P.S.Case No.229 of 2016 pending in the Court of

CJM, Bettiah, West Champaran. Petitioners are not named in the

First Information Report but in course of investigation, the name of petitioners surfaced in this case. Subsequently, petitioners and one Ramsagar Kumar were arrested. Petitioner, namely, Raj Kishore Yadav @ Atish Yadav in Cr.Misc.No.33826 of 2016 and Ramsagar Kumar were put on test identification parade to whom the informant identified and disclosed their role in the alleged crime which is evident from perusal of 75 of the case diary.

So far as petitioner, namely, Anish Kumar Gupta @ Ranjeet Kumar (Cr.Misc.No.34789 of 2016) is concerned, he happens to be the cousin nephew of the informant and the allegation against him is that he had hatched up conspiracy of committing the alleged crime and was identified by one Hirdesh Kumar Gupta in the test identification parade.

Learned counsel appearing for the petitioner in Cr.Misc.No.33826 of 2016 submits that having similar allegation co-accused Ramsagar Kumar has already been granted privilege of bail by a coordinate Bench of this Court vide order dated 26.09.2016 passed in Cr.Misc.No.33506 of 2016 and petitioner does not have any criminal antecedent. The perusal of the web copy of order dated 26.09.2016 passed in Cr.Misc.No.33506 of 2016 goes to show that the factum of identification in test identification parade of aforesaid co-accused Ramsagar Kumar

had not been brought to the notice of concerned Bench while considering the bail application of co-accused Ramsagar Kumar and it appears to me that the concerned Bench granted bail to the aforesaid co-accused Ramsagar Kumar without taking note of his test identification parade.

Considering the aforesaid facts and circumstances as well as submissions of the parties, the prayer for bail of the petitioners, namely, Raj Kishore Yadav @ Atish Yadav in Cr.Misc.No.33826 of 2016 and Anish Kumar Gupta @ Ranjeet Kumar in Cr.Misc.No.34789 of 2016 stands rejected.

(Hemant Kumar Srivastava, J)

B.Kr./-

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