

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21824 of 2017

Arising Out of PS.Case No. -178 Year- 2015 Thana -BARAUNI District- BEGUSARAI

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Prem Chandra Bind S/o Lakhon Bind, Resident of Village- Chakia, P.S.-
Barauni, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Sri Satyavarat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 20-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner is accused in Barauni P.S. Case No.
178 of 2015 for the offences under Sections 395 and 412 of the
Indian Penal Code.

The case was registered at the instance of the
informant, who, in his fardbeyan, had stated that six persons were
involved in the occurrence and out of those six persons he could
identify two persons, namely, Prem Chandra Bind, the petitioner
and one Manoj Yadav. From perusal of Annexure-2 it appears
that Manoj Yadav was acquitted in the trial by Additional
Sessions Judge-IV, Begusarai vide judgment dated 8th December,
2016.

From the findings recorded by the trial court it



appears that the informant in his cross-examination in para-5 has stated that “later on he got the real fact that accused Manoj has not participated in the alleged crime and on being dark night at the time of alleged occurrence he misconceived with the fact of culprits and imagined Manoj Yadav.”

In view of the finding of the trial Court in S.T. No. 39 of 2016 where the informant in his cross-examination had admitted the mistake of fact that in view of the dark night he misconceived with the fact of culprits and the petitioner is in custody since 8.7.2016, he deserves bail.

Accordingly, the petitioner, above named, is directed to be enlarged 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 Chief Judicial Magistrate, Begusarai or the successor Court in connection with Barauni P.S. Case No. 178 of 2015, subject to the condition that the petitioner will extend full cooperation in conclusion of the trial and will not, in any manner, tamper with the evidence and influence the witnesses.

(Anil Kumar Upadhyay, J)

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