

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50095 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -PARSABAZAR District- PATNA

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1. Ravi Kumar S/o Deo Lal Ram, R/o Mohalla- Etwarpur, P.S.- Parsa Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 22-12-2017 Perused and accepted the explanation.

Heard the counsels for the parties.

The petitioner seeks bail in connection with Parsa Bazar P.S. Case No. 15 of 2017 dated 01.02.2017 instituted for the offences under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

The petitioner along with two others took the deceased to a place in the same village for showing the land for purchase. The father of the deceased, who is the informant, has alleged that in the evening, he also went in the same direction on foot and sometimes later he heard gun shots. Two of the other sons of the informant also heard gun shots and came to the place of occurrence. All the three, i.e. the informant and his two sons, saw



the dead body of the deceased. The informant has therefore suspected the hands of the petitioner and others, who also owed huge amount of money to the deceased. The motive attributed against the petitioner by the informant is of misappropriating the money which they owed to the deceased.

Learned counsel for the petitioner has, however, pointed out from the supplementary case diary that the deceased was in possession of a telephone number which was being used by one Chandani. Further investigations revealed that Chandani's husband is a hired assassin and some of the persons, who had kept the money of the deceased, had been instrumental in getting the deceased eliminated. During the investigations, the motorcycle, which was used in the crime, was also recovered. Certain persons were arrested and the mobile telephone of the deceased was also recovered from one of the arrested accused persons.

This Court is constrained to observe that none of these facts have been adverted to by the learned Addl. District & Sessions Judge while disposing of the bail petition of the petitioner.

It is expected that when case diary/investigation papers are perused by the court below, every material which is either in favour of the petitioner or against him are required to be indicated



in the order.

It is difficult to dispose of this petition on the basis of such a cryptic order, which has been impugned in the present petition.

Let the petitioner approach the court below again with all necessary facts. Once such a petition is filed, the court below shall look into the investigation papers and shall pass a reasoned order accordingly.

This bail petition is disposed of with the aforesaid observation.

(Ashutosh Kumar, J.)

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