

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15949 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -KARPI District- JEHANABAD

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1. Mahendra Kumar @ Vishu S/o Late Dwarika Yadav, Resident of Village-
Shankarpur, P.S.- Kinjer, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

6 25-07-2018 From perusal of the order sheet, it appears that

earlier the petitioner has been granted bail vide order dated

27.04.2017 by this Court.

Being aggrieved by the order dated 27.04.2017, the

informant, Fekan Yadav, had preferred an appeal being Cr.

Appeal No. 1978 of 2017 arising out of SLP (Crl.) No. 5509 of

2017 before the Hon'ble Supreme Court and the Hon'ble

Supreme Court has observed that;

“A perusal of the order passed by the High Court indicates that bail has been granted to the accused without assigning any reasons. We are of the view that the High Court has to re-consider the application of the accused for grant of bail. Hence the appeal is allowed in part and the order dated 27.04.2017 passed by the High Court is hereby set aside. The High Court is required to consider the matter afresh.”



In view of the aforesaid observation, the prayer for bail of the petitioner is being reconsidered.

Heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the informant.

The petitioner is in custody since 17.01.2017 in connection with Karpī P.S. Case No. 07 of 2017 registered under Sections 363, 365/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, has falsely been implicated in this case. In fact, the petitioner has not been named in the F.I.R. and merely on the basis of suspicion, name of this petitioner has surfaced in this case. Except the suspicion, no any witnesses have supported the implication of the petitioner in the alleged occurrence. Moreover, the victim in his statement recorded under Section 164 Cr.P.C. has not disclosed the name of this petitioner. The petitioner is rotting in judicial custody for more than one and half years.

Learned counsel for the informant has opposed the prayer for bail.

Considering the facts and circumstances of the case and the fact that the petitioner is not named in F.I.R. and the victim in his statement under Section 164 Cr.P.C. has not



whispered anything about the petitioner and also the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Arwal in connection with Karpi P.S. Case No. 07 of 2017.

(Arvind Srivastava, J)

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