

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44769 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -BOCHHA District- MUZAFFARPUR

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1. Ganesh Chaudhary Son of Jagdish Chaudhary Resident of Village-
Banauli P.S. Simari District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-10-2017 Heard the parties.

This application is for grant of regular bail in connection with Bochahan P.S.Case no.62 of 2017 corresponding to Sessions Trial No.466 of 2017 for the offences punishable under Sections 364(A) of the Indian Penal Code.

The petitioner is not named in the FIR and later on it appears that his name transpired during the course of investigation of the case.

Submission of the learned counsel for the petitioner is that though the petitioner has been identified but he has not been named by the witnesses during identification and another co-accused person having similar allegation has already been granted bail, vide order dated 22.08.2017 passed in Cr. Misc. No.36846 of 2017.

Heard learned A.P.P. also, who has opposed the



prayer for bail on the ground that in the TIP, the witnesses have identified the accused persons including the petitioner and the statement of the victim has also been recorded under Section 164 Cr.P., in which he has identified two other accused persons.

Having heard both sides and from perusal of the record it appears that the another co-accused persons has been granted bail but there is no mentioning about accused persons being identified in the T.I.P.

In such view of the matter, I am not inclined to grant bail to the petitioner and the learned trial court is directed to verify it from the T.I.P. that if the petitioner has not been identified in the T.I.P., he shall release the petitioner in Bochahan P.S.Case No.62 of 2017 corresponding to Sessions Trial No.466 of 2017 to his own satisfaction, otherwise he is free to pass any other order as he may deem fit.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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