

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11795 of 2018

Arising Out of PS.Case No. -1596 Year- 2017 Thana -SA SARAM NAGAR District- SASARAM
(ROHTAS)

- =====
1. Md. Khurshid Alam @ Hawaldar Khursid Alam, son of Late Pyare Ahmad, resident of Village-Dahiyawa Dargah, P.S.- Chhapra, Dist-Chhapra.
 2. Om Prakash Singh, son of Sri Shinghasan Singh, resident of village-Girdhariya, P.S.-Sheosagar, Dist.-Rohtas.
 3. Satyendra Prasad, son of Late Biswanath Singh, resident of Village-Adhawaliya, P.S.-Dhanej, Dist.-Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate
For the Opposite Party/s : None

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 28-02-2018 Heard learned counsel for the petitioners. Nobody appears for the State.

The petitioners seek pre-arrest bail in connection with Sasaram (Model) P.S. Case No. 1596 of 2017 registered under Section 384 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the offence under Section 384 of the Indian



Penal Code levelled against the petitioners is not made out. He submitted that the first information report has been recorded on the basis of a compact disc i.e. C.D. sent by post by someone unknown. He submitted that the C.D. on the basis of which the first information report has been instituted is not a valid piece of evidence, as sub-section(1) of Section 65-B of the Indian Evidence Act makes admissible, as a document, paper print out of electronic records stored, recorded or copied in optical or magnetic media produced by a computer subject to fulfillment of conditions specified in Sub-section (2) of Section 65-B. He submitted that the secondary evidence of the contents of C.D. can also be led under Section 65 of the Evidence Act only on fulfillment of the conditions referred to under the said section.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram (Model) P. S. Case No. 1596 of 2017 subject to the conditions



as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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

