

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6716 of 2019

Arising Out of PS. Case No.-100 Year-2018 Thana- BANGAWON District- Saharsa

Moharjee @ Krishna Kumar, aged about 18 years (Male), Son of Sanjeev Kumar @ Sanjeev Kumar Khan @ Sanjeev Khan, R/o Village- Bangaon, ward no. 08, P.S- Bangaon, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 08.09.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 302 and 120B of the IPC.

The prosecution case, as per the written report of Hemchandra Jha, dated 08.09.2018, submitted to the Station House Officer, Bangaon Police Station, is to the effect that on 07.09.2018 at 7 P.M., two co-villagers of the informant, namely, Nitish Kumar and Saroj Kumar came at the house of the informant and took the son of the informant by motorcycle. It is alleged that on the same day, on 10.30 P.M., some co-villagers conveyed the informant that his son has been killed by six FIR



named accused persons including the petitioner. The C.C.T.V. footage also suggests the presence of some of the accused persons at the place of occurrence.

It is submitted by learned counsel for the petitioner that admittedly, the informant is not the eye-witness to the occurrence. The presence of the petitioner at the place of occurrence through C.C.T.V. footage has not been established, however, it has wrongly been recorded in the impugned order that C.C.T.V. footage suggests the presence of the petitioner at the place of occurrence. Statement to that effect has been made in paragraph no.9 of the petition. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the informant is not the eye-witness to the occurrence and the accusation against the petitioner is omnibus and general, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the



satisfaction of learned ACJM-I, Saharsa in connection with
Bangaon P.S. Case No. 100 of 2018.

The bail bonds of the petitioner shall be accepted by
the learned Court below on verification of the C.C.T.V. footage,
that the petitioner was not present at the place of occurrence.

(Dinesh Kumar Singh, J)

Amrendra/-

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