

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10033 of 2019

Arising Out of PS. Case No.-107 Year-2018 Thana- ATRI District- Gaya

Sanjay Rajwanshi, aged about 40 years (M), S/o Ganauri Rajbanshi, Resident of Village - Losighani, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard leaned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody since 17.04.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 302 and 120(B) of the Indian Penal Code.

The prosecution case as per the written report of Usha Devi submitted to SHO, Atri Police Station is to the effect on 11.04.2018 at 3.00 P.M., one Vijay Mahto took the husband of the informant from his house, but till late night, when the husband of the informant did not return then his nephew, Rishi and neighbours Anil Singh and Rajnish Singh went to search her husband near the Railway halt. It is further alleged that near the Railway halt after seeing his nephew and villagers, co-accused, Vijay Mahto, Ramchandra Mahto, Dipak Mahto, Baiju Yadav,



Dipu Yadav, Sanjeet Vishwakarma and Rakesh Sao, who were variously armed, started fleeing away from the place of occurrence. It is further stated that in the near by place they found the dead body of the husband of the informant and injuries were found on face, chest and other parts of the body. The name of the petitioner sprang up on the confessional statement of co-accused, Sanju Devi.

It is submitted by learned counsel for the petitioner that admittedly there is no eye witness to the occurrence and the petitioner is not named in the FIR. It is further submitted that the name of the petitioner sprang up on the confessional statement of co-accused, Sanju Devi and similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 07.12.2018 passed in Cr. Misc. No.71466 of 2018. A statement has been made in paragraph no. 3 of the petition that the petitioner is involved in one other case in which he is on bail.

Learned APP for the State submits that the name of the petitioner sprang up on the confessional statement of co-accused, Sanju Devi.

Considering the suspicious nature of accusation and the name of the petitioner sprang up on the confessional



statement of co-accused and similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **A.D.J.-II, Gaya** in connection with **S.Tr. No. 121/18/555/18 arising out of Atri P.S. Case No.107 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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