

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79966 of 2018

Arising Out of PS. Case No.-367 Year-2010 Thana- DEHRI TOWN District- Rohtas

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Bhima Kharwar @ Bhim Kharwar @ Vinay Bhuiya, son of Kuman Kharwar
@ Shobhawa Kharwar, Resident of Mohalla- Janki Bigha, Maninagar, P.S.-
Dihri, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Pandey
For the Opposite Party/s	:	Mr. Dharmendra Kumar Singh
For the State	:	Mr. Umesh Lal Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-02-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

The petitioner is in custody since 03.08.2018 in connection with Dehri (T) P.S. Case No.367 of 2010, registered under Sections 147, 148, 326, 302, 452 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner though named in the FIR but is not said to have participated and given any overt act resulting in the death of the deceased. It is further submitted that the present petitioner has just been named as a member of the crowd and one Samarajya who was also part of the crowd has been granted privilege of regular bail in Cr. Misc. No.32271 of 2018. It is submitted that



it was only when the petitioner was taken into custody in connection with Dehri P.S. Case No.675 of 2018 on 23.07.2018 that the present petitioner was remanded in connection with instant case. It is thus submitted that the petitioner was not having any knowledge of the present case but was subsequently remanded after having been arrested in another case. Learned counsel further submits that no particular role has been ascribed to the petitioner and he may be extended the privilege of bail and he shall cooperate in the trial so as to ensure its completion in connection with the present case.

Learned counsel appearing on behalf of the informant submits that the petitioner may not be extended the privilege of bail as admittedly he was a member of crowd and has also given a false statement before this Court that he has no criminal antecedent and on the contrary, he has not placed before the Court an order dated 24.07.2018 in Dehri P.S. Case No.367 of 2010 wherein the petitioner is also named as an accused that the petitioner has other antecedent as well. He thus submits that on this very fact alone the petitioner is to be disentitled from the privilege of bail.

Learned counsel for the petitioner submits that this fact was not known to the petitioner as he is illiterate person and



undertakes to cooperate in the trial, if released on bail. He is also willing to abide by all the terms and conditions as laid down by this Court.

In view of the aforementioned facts and circumstances of the case and the period of custody, let the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dehri, Rohtas, in connection with Dehri (T) P.S. Case No.367 of 2010 subject to condition that one of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or their wife.

sanjeev/-

(Anjana Mishra, J)

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