

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25605 of 2019

Arising Out of PS. Case No.-73 Year-2018 Thana- GANDHIMAIDAN District- Patna

Ajit Kumar @ Bauwa Son of Late Lal Kishun Rai, Resident of Rampur
Bhattipar P.S.-Raghopur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Sinha, Adv

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-06-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 395 and 397 of the Indian
Penal Code.

The FIR of the occurrence of dacoity and
murder is against three unknown motorcycle borne criminals.
Petitioner is in custody since 19.03.2018.

Submission is that petitioner was never put on
T.I.Parade nor any incriminating article was recovered from
possession of the petitioner. Only on the basis of criminal
antecedent of the petitioner, the petitioner has been booked in
this case. The eye witnesses, who had seen the occurrence, have
not identified the miscreants.

Considering the fact that there is no substantial



material against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No.516 of 2018, arising out of Gandhi Maidan Police Station Case No.73 of 2018, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

Let this fact be brought to the notice of D.G.P., Bihar that in most of the cases of dacoity and robbery wherein the FIRs are registered against unknown, the police never took step for T.I. Parade of the accused especially in the present case wherein two independent witnesses including the informant claimed to have witnessed the occurrence themselves. They should have been allowed to identify the miscreants in T.I. Parade. Due to inaction of the police, several cases result in acquittal. Necessary remedy and measure be taken at the earliest.

Let a copy of this order be sent to the D.G.P.,



Bihar also.

(Birendra Kumar, J)

Nitesh/-

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