

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75332 of 2018

Arising Out of PS. Case No.-210 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Krishna Chauhan @ Bade Chauhan @ Krishna Chawhan, Son of Goverdhan Chauhan, Resident of Village- Manjhwalia, Police Station- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 06.06.2018 in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of *Chowkidar*, Ramnath Yadav submitted to SHO, Mufassil Police Station is to the effect that on 23.04.2018 during patrolling, the informant received an information that near Lalit Bus Stand, the dead body of one unknown person is lying, soaked with blood and thereafter, when he reached there, he found the dead body of a person, aged about forty years, who was given shot injuries, leading to registration of FIR against unknown persons.



It is submitted by learned counsel for the petitioner that during investigation, it was found that one person was killed and the other person who was robbed in the same occurrence has stated about the incident but he has neither identified nor has named anyone. Though on the basis of statement of the petitioner and co-accused Arvind Chauhan and Rayees Chauhan, a country made pistol was recovered from the Lalit Bus Stand. It is further submitted that there is no recovery from the petitioner nor the petitioner has been put on T. I. parade till date. A statement has been made in paragraph no. 3 of the petition that the petitioner is involved in one other criminal case.

Learned APP for the State after going through case diary submits that country made pistol was recovered on the basis of confession of the co-accused, but there is no eye witness to the said occurrence. However, charge-sheet has been submitted for the offence punishable under Sections 396 and 411 of the IPC and Section 27 of the Arms Act.

Considering the suspicious nature of accusation and the fact that when Sushil Prasad claims that he was on the place of occurrence, since he was also robbed then the investigating authorities ought to have put the petitioner on T. I. parade, 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 **CJM, Siwan** in connection with **Siwan Mufassil P.S. Case No. 210 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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