

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54955 of 2019

Arising Out of PS. Case No.-126 Year-2017 Thana- KOILWAR District- Bhojpur

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Dileshwar Rai @ Dileshwar Yadav, aged about 53 years, male, Son of Satya Narayan Rai, Resident of Village Hasanpura, P.S. Ara Mufassil, District Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-11-2019 Heard both sides.

The petitioner apprehends his arrest in Koilwar P.S. Case No.126 of 2017, registered under Section 307 of the Indian Penal Code and under Sections 25(1-b)a 26/35 of the Arms Act. Later on Sections 302, 364, 201 and 120(B) read with Section 34 of the Indian Penal Code were added.

The informant got information that in *Tilak* ceremony of Sheo Shankar Rai, son of Brij Nandan Rai, firing was made in which one person got firearm injury. Somebody had caught Karan Singh and confined him in a room on the allegation that it was he who fired causing firearm injury to Bharat Rai who later on scummed to the injury.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. During the course of investigation, the name of the petitioner surfaced in the case on the



basis of disclosure by some witnesses that after the occurrence the petitioner tried to conceal the dead body of Bharat Rai. It is submitted that the learned Sessions Judge has referred para 36, 39 and 48 of the case diary but in para 36, 39 and 48 of the original case diary, no statement of any witness was recorded. In para 36 of the supplementary case diary, the statement of the Investigating Officer was recorded and in para 39 of the case dairy, statement of Prabhawati Kuer was recorded in which the names of the petitioner and others have surfaced to conceal the dead body of her son, Bharat Rai. It is submitted that Section 201 of the Indian Penal Code is bailable and there is no allegation of firing against the petitioner.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, 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 C.J.M., Bhojpur at Ara in connection with Koilwar P.S. Case No.126 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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