

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4688 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- KARAMCHAT District- Bhabhua
(Kaimur)

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Anil Kumar Jaiswal, Son of Thakur Sah @ Thakur Prasad, Village –
Dumaraon, P.S. Adhura, Dist. Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Achhaibar Singh
For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 20.07.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 324, 326 and 307 of the I.P.C. and Section 27 of the Arms Act. Later on Section 302 of the I.P.C. was also added.

The prosecution case, as per the fardbeyan of Raju Ram recorded by Satish Kumar Singh, S.I.-cum-S.H.O., Karamchat P.S. at 21.07.2018 on 07.30 P.M. at Trauma Centre, Varanasi, U.P., is to the effect that on 20.07.2018 at 6.50 P.M., the informant and his friend namely, Anil Chaudhary were travelling in a Bolero car. As soon as they reached near the



Amaon turning at about 6.00 P.M., six unknown persons, on three motorcycles came and made the vehicle stop by overtaking it whereupon a hot exchange took place for dashing the motorcycle, whereupon one of the accused persons took out a pistol and fired on Anil Chaudhary (deceased) which hit on his head. Thereafter, subsequently he succumbed to the injuries.

It is submitted by learned counsel for the petitioner that except the informant, there is no eye witness to the occurrence. The FIR has been lodged against unknown person and the name of the petitioner sprang up on the basis of mobile call details report and confessional statement of other co-accused persons. It is further submitted that the investigation has already been concluded but the petitioner has not been put on T.I. parade in which the informant also participated in T.I. parade but he failed to identify the petitioner. Moreover, other co-accused person has been granted privilege of bail by co-ordinate Bench of this Court vide order dated 10.12.2018 passed in Cr. Misc. No.73070 of 2018.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of call details report.

Considering the fact that petitioner was not identified by the informant during the T.I. parade, who is the only eye



witness to the said occurrence and the investigation has already been concluded, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **C.J.M., Bhabhua** in connection with **Karmchat P.S. Case No.57 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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