

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20731 of 2020

Arising Out of PS. Case No.-239 Year-2019 Thana- ARA NAGAR District- Bhojpur

Rahul Yadav, Son of Kamta Prasad Resident of Village - Ahirpurwa, P.S.- Ara
Town, Dist.- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malti Kumari- Advocate

For the Opposite Party/s : Mr. Yogendra Kumar- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 21-10-2020 Heard learned counsel appearing for the petitioner
as well as learned Additional Public Prosecutor appearing for
the State through video conferencing.

Petitioner is in custody since 10.01.2020 and seeks
bail in connection with Ara Town P. S. Case No.239 of 2019
registered for the offences punishable under Sections 302, 307/
34 of the I.P.C. and Section 27 of the Arms Act.

The office has pointed out several defects.
However, learned counsel appearing for the petitioner
undertakes that he will remove the defects when Court starts
normal function.

Admittedly, the present case was lodged against
unknown and the name of petitioner came in this case during



course of investigation. Learned 1st Additional Sessions Judge, Ara has referred Paragraphs-9,10,11,28 and 33 of the case diary to show the involvement of the petitioner in the alleged crime and on the basis of aforesaid paragraphs, the learned Additional Sessions Judge rejected the bail prayer of the petitioner.

From perusal of Paragraphs-8, 9, 10 and 11, I find that the witnesses, whose statements have been incorporated in the above stated paragraphs, claimed that the local people had disclosed the name of this petitioner. Therefore, it is obvious from the statements of the above stated witnesses that they had not seen the occurrence nor had identified the petitioner.

The perusal of Paragraph-28 of the case diary goes to show that the criminal antecedent of the other persons has been mentioned in the aforesaid paragraph and nothing has been stated against the petitioner in the said paragraph. So far as Paragraph-33 of the case diary is concerned, the same goes to show that in the aforesaid Paragraph, supervision note of concerned S.D.P.O. has been mentioned. Therefore, I find that nothing was brought against the petitioner in the aforesaid paragraphs. Moreover, after perusal of the entire case diary, I find that except disclosure made by unknown persons against the petitioner, the



Investigating Officer failed to bring any material against the petitioner.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Town P. S. Case No.239 of 2019.

The petitioner shall remove the defects as pointed out by the office within four weeks from the date when Court starts physical functioning. However, if petitioner fails to remove the defects within the above period, the office shall list this matter before appropriate Bench for passing necessary orders.

(Hemant Kumar Srivastava, J)

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