

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16193 of 2020

Arising Out of PS. Case No.-12 Year-2017 Thana- BANDEYA District- Aurangabad

KISHOR SAW @ KISHORI SAW Son of Sitaram Saw Resident of Village -
Kaithi, P.S.- Aanti, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 12-10-2020

Heard Mr. Tej Narayn Singh, learned counsel

appearing on behalf of the petitioner and Mr. Syed Mojibur Rahman, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Bandeya P.S. Case No.12 of 2017, registered for the offence punishable under Sections 341, 323, 353, 385, 427, 435, 504, 506/34 of the Indian Penal Code and Section 17 of the C.L.A. Act.

I have perused the case diary.

Learned counsel for the petitioner has submitted that except for the confessional statement of the co-accused, there is no material, worth evidence, to connect the petitioner with the commission of the offence. The F.I.R. was registered against unknown and the petitioner's name surfaced only in course of



investigation. It is alleged in the F.I.R. that on the date of occurrence, i.e., 15.06.2017, four unidentified criminals, armed with weapons, reached at the place where the work of desilting of a canal was going on, with poke-lane machine. They were looking for the operator and *munshi* engaged in operation of the poke-lane machine. They are said to have set on fire the poke-lane machine. Allegedly, the miscreants were members of naxalite group. The confessional statements of the persons, whose names emerged in course of investigation corroborate the case of the prosecution. Further, it is evident from paragraph 3 of the application that the petitioner has criminal antecedent inasmuch as he is involved in following three criminal cases of serious nature : -

“(i) Aanti P.S. Case No. 21/03 under sections 353, 307, 302 IPC, 27 Arms Act;

(ii) Konch P.S. Case No. 224 of 13 under sections 307 IPC, 27 Arms Act; and

(iii) Kasma P.S. Case No. 29 of 16 under sections 341, 386, 353, 504 IPC.”

Considering the above this application is dismissed.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two



months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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