

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20591 of 2020

Arising Out of PS. Case No.-608 Year-2017 Thana- SONEPUR District- Saran

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Balram Kumar @ Golu Kumar aged about 20 yrs, son of late Kamaldeo Singh, resident of village- bharpura, P.S- Sonepur, dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

3 15-09-2020 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The office has pointed out that the name of petitioner differs from the impugned order. Furthermore, the office has reported that no supplementary affidavit has been filed on behalf of the petitioner for removal of the defect.

Learned counsel appearing for the petitioner submits that he was under impression that supplementary affidavit for removal of the defect has already been filed and that was the reason he made such submission. However, he undertakes to remove the defects when the court starts normal functioning.



Perusal of record goes to show that the name of petitioner has been written in bail petition as Balram Kumar @ Golu Kumar whereas in the impugned order the name of petitioner has been mentioned as Baliram Kumar @ Golu. Therefore, in my view, the aforesaid defect is of minor nature and is liable to be ignored. Accordingly, defect as pointed out by the office be ignored.

Learned counsel of the petitioner submits that F.I.R of Sonapur P.S.Case No. 608 of 2017 was registered on 31.12.2017 against the unknown person and according to the written report of informant, the alleged occurrence took place on 29.12.2017 on 8 p.m. He further submits that moreover, in course of investigation some witnesses including one Sonu claimed that one day prior to the alleged occurrence, a scuffle had taken place between the deceased and the petitioner as well as one other co-accused and on the basis of aforesaid fact, the witness doubted the involvement of petitioner and other co-accused in the present crime. Learned counsel of the petitioner further points out that co-accused having similar allegation has already been granted bail by a co-ordinate Bench of this Court.

Perusal of the case diary goes to show that none has



seen the actual killing of the deceased and the witnesses stated about the involvement of the petitioner in the alleged crime on the basis of occurrence of one day prior to the alleged occurrence.

Moreover, taking note of this fact that having similar allegation one co-accused has already been granted bail, I think it proper to release the petitioner on bail, accordingly, above named, petitioner is directed 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 Chief Judicial Magistrate, Saran in connection with Sonepur P.S. Case No. 608 of 2017.

(Hemant Kumar Srivastava, J)

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