

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19186 of 2020**

Arising Out of PS. Case No.-93 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Ajay Kumar, aged about 23 years (Male), Son of Sanjay Kumar Resident of Village - Ibrahimpur, P.S.- Shakhurabad, District - Jehanabad
 2. Gaurav Kumar, aged about 25 years (Male), Son of Dudheshwar Yadav @ Yugeswar Yadav Resident of Village - Shavajpur, P.S. and District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Digvijay Singh
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 12-10-2020 In view of the observation made by this Court in the order dated 11.6.2020, a report dated 10.09.2020 has been submitted by the District & Sessions Judge, Gaya along with an explanation dated 9.9.2020 of the Additional District & Sessions Judge-IIInd cum Special Judge Excise, Gaya as has been stated during argument that one Gaurav Kumar, petitioner no.2, was granted bail by the court below whereas, for the same incident, the prayer for bail of the petitioner no.1, Ajay Kumar has been rejected.

Learned Additional District and Sessions Judge-IIInd, Gaya has explained the situation that Sri Gaurav Kumar was not granted bail on merit rather he was granted bail on account of



Section 167(2) of the Cr.P.C. as the police failed to submit the charge-sheet within the time prescribed whereas the bail of Ajay Kumar was rejected on merit. This fact and/or the nature of bail granted to Sri Gaurav Kumar was not brought to the notice of the Court and, on that score, this observation has been made.

In view of the explanation submitted by the Presiding Judge as also the explanation tendered by learned Additional District & Sessions Judge-IIInd, Gaya, the same is accepted and the observation made by this Court will not be treated to be adverse to him.

(Shivaji Pandey, J)

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