

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.531 of 2019

Arising Out of PS. Case No.-112 Year-2018 Thana- DUMRA District- Sitamarhi

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AMAN PARASAR @ AMAN KUMAR @ RANA SINGH @ RANA S/o
Ajay Kumar Singh R/o village- Pachtaki, P.S.- Bairginia, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha
For the Respondent/s : Mr.Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-05-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner being juvenile filed this petition for grant of bail in Dumra P.S. Case No.112 of 2018 (J.J.Case No.1340 of 2018) registered under Section 394 of the I.P.C.

The informant alleged that while he was returning from Muzaffarpur and when he reached near in between village Bazidpur and Muradpur on N.H. 77, three persons came from behind on a motorcycle bearing registration no.BR30L5476 or 5446 and robbed his belongings including the motorcycle.

Learned counsel for the petitioner submits that the petitioner is innocent and he has in fact committed no offence. The petitioner is not named in the F.I.R. The name of the petitioner transpired in the case in the confessional statement of



co-accused, namely, Anish Kumar Singh and Bhartendu Kumar recorded in para 29 and 30 of the case-diary, but save and except the confessional statement of co-accused, the Investigating Officer did not collect any further tangible evidence to show the involvement of the petitioner in the alleged crime. The prayer for bail of the petitioner has been rejected by the J.J. Board as well as the learned 1st Additional Sessions Judge only on the ground that the petitioner has got criminal antecedent but it would appear that in none of the cases, the petitioner is named in the F.I.R. The petitioner is in jail for more than one year in the case.

Learned A.P.P. opposed the prayer for bail of the petitioner.

It appears from perusal of the records and the case-diary that the petitioner is not named in the F.I.R. During course of investigation, for the first time, the name of petitioner figured in the case in the confessional statement of co-accused recorded in para 29 and 30 of the case-diary and save and except the confessional statement of co-accused, the Investigating Officer did not collect any further evidence. The Investigating Officer for the reasons best known to him or for some ulterior motives did not put the petitioner on T.I.P. in order to collect evidence



particularly when the informant himself claimed to identify the accused and submitted charge sheet on the basis of the confessional statement of co-accused that too before the police. The petitioner has remained in jail for more than one year.

Considering the facts aforesaid, this petition is allowed. The petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned Juvenile Justice Board, Sitamarhi in connection with Dumra P.S. Case No.112 of 2018 (J.J.Case No.1340 of 2018). The revision is allowed.

(Prabhat Kumar Jha, J)

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