

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27837 of 2020

Arising Out of PS. Case No.-229 Year-2019 Thana- PIRO District- Bhojpur

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Brajesh Kumar @ Funnu Kumar, aged about 22 years, Male, S/o Rajeshwar Singh, Resident of Village-Rajmaldih, P.S.-Sikrahta, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate
For the : Mr.Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2020 Heard the parties through the virtual court proceeding.

Since physical court proceeding is not functioning due to present Pandemic Covid-19, the matter is listed with defect.

Learned counsel for the petitioner undertakes to remove the defect within three weeks of normal functioning of the court after the lockdown, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in connection with Piro P.S. Case No. 229 of 2019 registered for the offences punishable under Sections 302, 114, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The informant in sum and substance alleged that on



12.08.2019, he along with his *Fua* Dewanti Kuer had gone to see her sister (Fulmanti Devi) and thereafter they were returning. When they were staying under a tree, on two motorcycle, four persons, two on each, came. One person fired on his *Fua* and it is said that the informant wanted to get the land of his *Fua* executed in his name. Immediately thereafter, Surendra Mahto, Satyendra Mahto, Aji Kumar @ Bhuwar also came there on a Bolera and exhorted to kill and fire so that Dewanti might not survive.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. Nothing has been recovered from the possession of the petitioner. Even after during arrest, the petitioner was not put on T.I. Parade. He further submits that the petitioner has been made accused in the present case on the basis of confessional statement of co-accused Jitendra Yadav @ Jitu Yadav. He further submits that the co-accused Jitendra Yadav @ Jitu Yadav has been granted bail vide order dated 26.06.2020 passed in Cr. Misc. No.2688 of 2020. The informant is the eye witness of the occurrence and he must have identified the accused by their face. For the first time, the name of the petitioner surfaced in the case in the statement of co-accused Jitendra Yadav @ Jitu Yadav.



Learned A.P.P. however opposed the prayer for bail but could not be able to show that anybody say the petitioner killed Dewanti Kuer. Even after during arrest, the petitioner was not put on T.I. Parade. Of course, the petitioner has got criminal antecedent but there appears that save and except the suspicion and hearsay witness, there appears no tangible material to connect the petitioner in the murder of Dewanti Kuer.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara in connection with Piro P.S. Case No. 229 of 2019.

(Anjani Kumar Sharan, J)

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