

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33701 of 2020

Arising Out of PS. Case No.-301 Year-2020 Thana- DEHRI TOWN District- Rohtas

BIMLESH KUMAR S/o Awadhesh Singh R/o village- Chakanwa, P.S.-
Indrapuri, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case for the offence initially,
registered under Sections 147, 148, 149, 341, 326, 307, 506,
120B of the Indian Penal Code and 27 of the Arms Act but
subsequently, Section 302 of the Indian Penal Code was also
added.



Prosecution case in short is that while husband of the informant was coming from his office and reached near James School near Bus Garriage Gate, the speed of motorcycle became slow due to speed breaker and in the meantime, 5-6 unknown miscreants started firing upon her husband. The informant's husband sustained gun shot injury. Thereafter, he informant's husband was taken to Trauma Centre, Varanasi for treatment.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 30-04-2020. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is not named in the FIR. His name transpired in this case on the basis of his self-confession made before the police under section 161 Cr.P.C. and the same is not admissible under Section 25 of the Evidence Act. The petitioner has not been put on test identification parade to ascertain his participation in the alleged occurrence. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri C. K. Verma, learned Judicial Magistrate-Ist Class, Dehri, Rohtas in connection with Dehri Town P.S. Case No. 301 of 2020.

(Sudhir Singh, J)

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