

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64909 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- PATNA CITY CHOWK District- Patna

Raja Kumar @ Raja Choudhary Son of Raju Choudhary Resident of village-
Kaima Shiko, P.S. Chowk, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 04-03-2020 The petitioner, who is in custody since

03.05.2019, seeks bail in connection with Chowk P.S.

Case No. 161 of 2019 dated 12.04.2019 instituted for

the offences under Sections 302/34 of the Indian Penal

Code, Section 27 of the Arms Act and Section 3/4 of the

Explosive Substances Act.

It appears from the records that the deceased

was killed and simultaneously bombs were hurled to

scare away the members of the public. The implication

of the petitioner in the present case is only on the basis

of his having been identified in the CCTV footage.

The petitioner also claims to be a person of



clean antecedents and has home and hearth.

However, this Court on going through the order impugned is of the view that the order has been passed in a cavalier fashion, without taking into account the materials which have been collected during the course of investigation.

A short-cut approach appears to have been adopted by the court below in rejecting the petition by only stating that the petitioner's face was identified in CCTV footage. This Court expects that when a senior judicial officer like Additional Sessions Judge is dealing with a bail petition, he should definitely find out as to where was the camera installed; what were the preceding and succeeding images in the CCTV footage and whether there are any other ancillary evidence in support of the implication of the petitioner in the instant case. A bald order has been passed which does not reflect any appreciation of material facts in a criminal case.



This Court laments that this is not the manner in which a serious case ought to be handled.

The matter is remitted to the Additional Sessions Judge, 1st Patna City, Patna to write out a fresh order in accordance with law after verifying all the facts within a period of three weeks of the receipt/production of a copy of this order.

The bail petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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