

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86243 of 2019

Arising Out of PS. Case No.-117 Year-2019 Thana- KIUL RAIL P.S. District- Lakhisarai

Devanshu Kumar, Son of Sri Prem Kumar @ Prem Kr. Vishwakarma
Resident of Mohalla - Ashok Nagar, Road No. 1 A, Sampat Chak, Opposite to
Sarswati Appartment, P.S.- Kankarbagh, District- Patna-800020, At present
posted as Clerk in Bank of India, D.C. Day Road, Kolkata, West Bengal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Nath Mishra

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 19-03-2020 Heard learned counsel appearing for the petitioner as
well as learned Additional Public Prosecutor for the State.

Petitioner is in custody since 15.11.2019 and seeks
bail in connection with Kiul (Sheikhpura) Rail P. S. Case
No.117 of 2019 registered for the offences punishable under
Sections 302, 120B/34 of the I.P.C.

Petitioner is not named in the F.I.R. The name of
petitioner came in this case in course of investigation. The
informant claimed in his fard-bayan that one Jitendra Kumar
told him about the alleged occurrence. The statement of Jitendra
Kumar was recorded and the said Jitendra Kumar disclosed that
the deceased told him on mobile phone that some unknown



persons slit his neck. The aforesaid statement was recorded on 27.06.2019. Again the statement of said Jitendra Kumar was recorded on 02.07.2019 at Para-33 of the case diary. In both the above stated statements the aforesaid witness Jitendra Kumar did not disclose the name of assailant. However, again his statement was recorded on 26.09.2019, which is evident from perusal of Para-245 of the case diary and in the aforesaid statement for the first time, the aforesaid witness disclosed that the deceased had named one Deva as assailant and subsequently, one witness namely, Subhankar Kumar claimed that the alias name of the petitioner is Deva and on the basis thereof, he was made accused in this case.

Submission on behalf of the petitioner is that the name of petitioner came in this case after three months of the alleged occurrence and moreover, petitioner does not have any alias name as Deva.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties and also taking note of this fact that investigation against the petitioner has already been completed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Railway Judicial Magistrate, First Class,
Kiul, Sheikhpura in connection with Rail Kiul (Sheikhpura) P.
S. Case No.117 of 2019.

(Hemant Kumar Srivastava, J)

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