

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2674 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

Rajan Srivastava @ Rajan Kumar Srivastava Son of Late Ramakant
Srivastava Resident of Village- Niranjapur (Sarimpur Bandh), P.S.- Buxar
(Ins.), District- Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rama Kant Sharma, Sr. Adv. Mr. Rajesh Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Anil Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-07-2021 Heard learned Senior Counsel for the appellant,
learned Spl.P.P. for the State and learned counsel for the
informant through video conferencing.

The instant appeal has been preferred against the
order dated 12.3.2021 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, Buxar whereby the prayer
for bail of the appellant in connection with Buxar Industrial
Area P.S. Case No. 219 of 2020 registered under section 302
and other sections of the Indian Penal Code, section 27 of the
Arms Act and section 3 of the SC and ST (Prevention of
Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated by the



informant that his son who had gone out did not return. He heard about a dead body having been discovered and on going to the hospital he found the same to be that of his son who had a gun shot injury. It is further stated that inspite of contacting his friends including the appellant herein, there was no reply. There had been a fight between them about one month ago wherein his son had been threatened that he would be killed.

It is submitted by learned Senior Counsel for the appellant that admittedly the informant is not an eye witness to the occurrence. In the F.I.R. he raises an unfounded suspicion. No material has transpired in course of investigation except the so called confessional statement of the appellant and one another accused made before the police. It is submitted that the same is of no value. Besides this, it is stated that the only material is that as per the call detail report the appellant was present in the area where the alleged occurrence is alleged to have taken place. With respect to the other witnesses it is submitted that none of them are eye witness to the occurrence. The appellant is in custody since 12.12.2020 and investigation in the case has concluded.

The appeal is opposed by learned Spl.P.P. for the State as also learned counsel appearing for the informant.



Having heard learned counsel for the parties and in the facts and circumstances of the case including the investigation in the case having concluded, the Court is inclined to allow the appeal. The appeal is allowed and the order dated order dated 12.3.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Buxar, is set aside.

The petitioner is directed to be enlarged on bail in connection with Buxar Industrial Area P.S. Case No. 219 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Buxar.

(Partha Sarthy, J)

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