

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24787 of 2020

Arising Out of PS. Case No.-167 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Rajesh Singh Son of Ramanuj Singh Resident of Village- Shivnar, Police Station- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 11-01-2021 Heard learned counsel for the petitioner.

Counsel for the State is silent spectator. The court failed to understand why the State counsel are attending the Court proceeding when they are of no use to the Court. They are not even equipped with brief. What kind of assistance they can render to a Court, one can guess.

Learned counsel for the State submits that the brief has not been allotted by the office of the Advocate General and as such the they are in helpless condition.

Petitioner is in custody in connection with Lakhisarai P.S. Case No. 167 of 2020 for the offence under sections 302/120B, 34 of the Indian Penal Code and Section 25(1-b)a/ 26 (i), 27 of the Arms Act.

In this case vide order dated 23.9.2020 diary was



called for.

Mr. Rama Kant Sharma, learned senior counsel appearing on behalf of the petitioner submits that the petitioner was not named in the FIR. The FIR disclosed the name of the persons who actually committed the crime. At the subsequent stage, the name of the petitioner surfaced in the confessional statement of Rahul Kumar.

Learned counsel submits that at the highest if the confession statement is taken on its face value, allegation against this petitioner is that he was involved in the conspiracy.

The petitioner is in custody since 19.3.2020.

Considering the fact that the petitioner was not named in the FIR and the name of the assailant was disclosed by the informant side at first instance. There is no even remote suggestion by the informant side that this petitioner has participated in the commission of crime, the Court under the aforesaid circumstances is left with no option but to release the petitioner, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai P.S. Case No. 167 of 2020. However, the court



below is directed to expedite the trial and conclude the same positively within a period of one year. The petitioner is obliged to extend full cooperation in the early conclusion of the trial. In the event, the petitioner adopts dilly-dally or attempt to influence the witnesses, the court below shall be at liberty to cancel the bail bonds of the petitioner.

Let a copy of this order be communicated to the office of the Advocate General for appropriate action.

(Anil Kumar Upadhyay, J)

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