

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5138 of 2022

Arising Out of PS. Case No.-725 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Kedar Singh @ Kedar Kumar Singh Son Of Sri Ramayan Singh R/O
Mohalla- Ambika Nagar, P.S.- Banjariya, District- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma- Advocate Mr. Abhishek Kumar- Advocate
For the Opposite Party/s :		Mr. Bhanu Pratap Singh- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Sessions
Trial No.483 of 2021 arising out of Turkauliya (Banjariya) P. S.
Case No.725 of 2020, instituted for the offences under Sections
302, 120-B/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 16.03.2021, charge-sheet has been
submitted in the case and has antecedent of three cases in which
the police submitted final form in two cases which was even
accepted by the learned Court below.

The learned counsel for the petitioner submits that



informant in the F.I.R. alleges that he along with his brother had gone for morning walk when four unknown accused persons on two motorcycle intercepted and shot his brother dead. Further the informant can identify the accused persons.

The learned counsel for the petitioner submits that F.I.R. was against unknown and the name of the petitioner surfaced based on CCTV footage and C.D.R. details as on the alleged date and time of occurrence, the petitioner was found talking on way to M.S. College, Motihari. It is further submitted that though the informant as claimed in the F.I.R., he can identify the accused persons, but the petitioner despite being in custody was never put on T. I. Parade.

The learned counsel further submits that from perusal of the statement of the informant recorded at Para-29 of the case diary, it would manifest that this petitioner was known to the informant from before as informant has given detailed description of the petitioner along with his family members. Thus, it is submitted that since the petitioner was known to the informant and if petitioner would have committed the occurrence, then the informant being an eye witness must have disclosed his name in the F.I.R. at the first instance. The learned counsel further submits that similarly situated co-accused



Munna Singh has been granted bail by order dated 04.01.2022 in Cr. Misc. No.34372 of 2021.

The learned A.P.P. for the State opposes the bail application and submits that if the petitioner was not put on T. I. Parade that was failure on the part of the investigating agency and the benefit should not come to the accused for lapses of the investigating agency, but is not able to meet the submission of the learned counsel for the petitioner that if the petitioner was identified through CCTV footage then why the petitioner was not identified by the informant as he was also present at the place of occurrence when the occurrence had taken place.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and the petitioner was known to the informant from before and that co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 14th Additional Sessions Judge, East Champaran at Motihari in connection with Sessions Trial No.483 of 2021 arising out of Turkauliya (Banjariya) P. S. Case No.725 of 2020, subject to condition that one of the bailers shall be the father of the petitioner namely, Sri



Ramayan Singh and in the event, if the petitioner does not appear on two consecutive dates in the trial, the learned Court below will be at liberty to cancel his bail bonds forthwith.

The application stands allowed.

(Satyavrat Verma, J)

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