

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11193 of 2015

Arising Out of PS.Case No. -24 Year- 2011 Thana -NAWINAGAR District- AURANGABAD

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Raj Kumar Paswan Son of Bipul Paswan, resident of Village - Baghi, P.O.
Rajbaria, Police station- Nabinagar, District- Aurangabad.(Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramendra Kumar, Advocate

For the Opposite Party/s : Mr. T.N.Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 25-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 395 and 365 of the Indian Penal Code.

According to the learned counsel for the petitioner, there is no allegation of kidnapping of any person.

Taking into consideration the fact that the petitioner is not named in the first information report vide Annexure-1 as an accused and further taking into consideration that no incriminating article has been recovered either from his possession or from his house and that he has not been put on test identification parade till date though he is in custody since 24.10.2014, his prayer for bail is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Navi Nagar P.S.Case No. 24 of 2011, subject to the following conditions:

(A) one of the bailors must be a government servant,

(B) another bailor shall be close family member or close relation of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(C) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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