

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14757 of 2015

Arising Out of PS.Case No. -207 Year- 2014 Thana -SHERGHATI District- GAYA

Vinay Paswan Son of Late Rakshya Paswan, R/o Vill. Jaipur, P.S. Sherghati, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Shailendra Kr. 2(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 23-06-2015

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 14.12.2014 in a case registered for the offences punishable under Sections 392, 302/34 of the Indian Penal Code and 27 of the Arms Act.

It is alleged that the brother of the informant while coming home after closing of the shop was shot at and his ornaments were robbed. The name of the petitioner sprang up on the confession of co-accused Ramashish Yadav, on whose confession robbed ornaments were recovered.



It is submitted by learned counsel for the petitioner that except confession of the co-accused there is no substantive evidence collected against the petitioner during investigation. Moreover, there is no eye witness to the occurrence and similarly situated co-accused, whose name also sprang up in the confession of Ramashish Yadav, namely, Rajesh Kumar Yadav has been granted bail vide Cr. Misc. No. 49663 of 2014.

It is submitted by learned APP that the name of the petitioner also sprang up in the confession of co-accused Javed.

Considering the fact that except confession of the co-accused no substantive material has been brought on record which suggests the complicity of the petitioner and similarly situated co-accused has been granted bail, let the above named petitioner, 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 Sub-divisional Judicial Magistrate, Sherghati, District – Gaya in connection with Sherghati (Dobhi) P.S. Case No. 207 of 2014.

Since the petitioner has serious criminal antecedent having 11 cases, though it is submitted that the petitioner is not named in any one of them and has been granted

bail in all the other cases, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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