

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5305 of 2015

Arising Out of PS.Case No. -76 Year- 2009 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Ganesh Paswan S/O Darshan Paswan Resident of vill-Lohargawan,P.S-Madhuban,Distt.-East Champaran			Petitioner
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Versus

1. The State of Bihar			Opposite Party
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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Shardanand Jha(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-08-2015

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is languishing in jail custody since 07.12.2013 in connection with Chakia P.S.Case No.76 of 2009 (S.Tr.No. 156/2014) for the alleged offence under Section 394 of the Indian Penal Code in which charges have been framed under Sections 395 and 397 of the Indian Penal Code.

The prosecution case, in short, is that one Bharat Das, Mahant of Ram Janki Math in his fardbeyan before the police has stated that in the night of 15.5.2009 while he was sleeping he awoke at 1.45 A.M on some noise and saw some persons walking in the temple campus. When he asked about their presence one person demanded the key and when he said that he did not have the key, one another person came and caused hurt by some means which injured his little finger. It has been further alleged that due

to fear he gave the key and thereafter they went inside the temple and subsequently went away. When he went inside the temple he found 13 idols of God and Goddess having been looted away. He thereafter went and informed the Sarpanch. In the morning he came to know that one bell and two idols of Sangrampur stone has also been looted from another temple.

It has been submitted by the learned counsel for the petitioner that on the confessional statement of co-accused, Ashok Bhagat, which finds place in para 6 of the case diary, the petitioner's name has figured. He also submits that a co-ordinate bench of this Court has granted bail to one Mukesh Bhagat in Cr.Misc. No.3797 of 2014, dated 20.06.2014.

I do not propose to take a different view in a similar nature of allegation.

Under such circumstances, let the petitioner, namely, Ganesh Paswan, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, East Champaran at Motihari in connection with Chakia P.S.Case No. 76/2009 (S.Tr. No. 156/2014).

(Nilu Agrawal, J)

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