

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29057 of 2015

Arising Out of PS.Case No. -20 Year- 2004 Thana -GOBARDHANA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Deepak Kumar Ram son of Awadhesh Ram, resident of village-
Ramgarh, P.S.- Awatar Nagar, Dist- Chhapra
2. Niraj @ Avinash Kumar @ Jainarayan Kumar Paswan, son of Jagalu
Paswan, resident of village- Basepur Nirpur, P.S.- Rajapakar, Dist- Vaishali,
at present resident of vill.- Khaleshpur, P.S.- Sarayganj, Dist- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with
Criminal Miscellaneous No.53909 of 2015

Arising Out of PS.Case No. -20 Year- 2004 Thana -GOBARDHANA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Tulsi Sahani @ Manoj Sahani son of Deolal Sahani, resident of village-
Naya Basahiya, P.S.- Panapur, District- Chhapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
(In Cr.Misc. No.29057 of 2015)
For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Anil Prasad Singh (App)
(In Cr.Misc. No.53909 of 2015)
For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

05/ 07.12.2015 Both the above stated petitions arise out of Gobardhana P.S.

Case no. 20/2004 registered under sections 307 and other minor
sections of the Indian Penal Code, 26, 27 of the Arms Act, 4/ 5 of the
Explosive Substance Act, 17 CLA Act and accordingly, both the
above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Petitioners are not named in the First Information Report but they were arrested in connection with Kesariya P.S. Case No. 32/2011 and subsequently, remanded in the present case on the ground that looted arms of the present case had been recovered from their possession when they were arrested in Kesariya P.S. Case no. 32/2011.

Submission on behalf of the petitioners is that according to the prosecution case itself, the occurrence of the present case took place in the year 2004 and after more than 10 years of the aforesaid occurrence, petitioners were remanded in this case. It is further contended by him that arms, which are said to have been recovered from the possession of the petitioners in Kesariya P.S. Case No. 32/2011, had not been put on Test Identification Parade so that it could be ascertained that the aforesaid arms had been looted in the present case.

No doubt, petitioners carry criminal antecedent of some cases but taking note of the aforesaid facts and circumstances as well as submissions of the parties, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Bagaha, West Champaran in Gobardhana P.S. Case no. 20/2004.

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(Hemant Kumar Srivastava,J)