

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38608 of 2015

Arising Out of PS.Case No. -188 Year- 2012 Thana -KARAHGAR District- SASARAM (ROHTAS)

Upendra Paswan, Son of late Sardar Paswan, Resident of Village-
Dahigana, Police Station -Dinara District- Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Gajendra Pd. Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 02-09-2015

Perused the report dated 25.08.2015 submitted by the
learned Additional Sessions Judge-VIII, Rohtas at Sasaram.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 25.11.2012
seeks bail in connection with Kargahar P.S. Case No. 188 of
2012 registered under Sections 379, 328 read with 34 of the
Indian Penal Code. It is stated that subsequently, charge-sheet
was submitted under Section 395 and 412 of the Indian Penal
Code and the case has already been committed to the Court of
Session. Till date no witness has been examined.

The report submitted by the trial court would reveal
that though charges were framed against the accused on 23rd

May, 2015, the prosecution has failed to produce any witness before the court despite summons and bailable warrant of arrest issued against them.

It is further contended that another co-accused, namely, Rakesh Kumar having identical allegation to that of the petitioner has already been granted bail by this Court vide order dated 26th April, 2013 passed in Cr. Misc. No. 18106 of 2013.

Learned APP for the State opposes the prayer for bail. However, he concedes that the case of the petitioner is identical to that of the co-accused Rakesh Kumar who has already been granted bail.

Regard being had to the facts and circumstances of the case, the petitioner is directed to 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 the learned Additional District & Sessions Judge-VIII, Rohtas at Sasaram in connection with S.Tr. No. 173 of 2013 arising out of Kargahar P.S. Case No. 188 of 2012.

(Ashwani Kumar Singh, J.)

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