

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48992 of 2015

Arising Out of PS.Case No. -607 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

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1. Pawan Paswan Son of Ram Ayodhya Ram resident of Village- Jawahar
tola, police Station Ara Nawadah, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.51231 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

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1. Raj Kumar Singh S/O Kedar Singh R/o Vill.- Basmanpur, P.S.- Ara
Muffasil, Dist.- Bhojpur

2. Suraj Paswan S/o Late Binod Paswan R/o vill.- Jawahar Tola, P.S.- Ara
Nawada, Dist.- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48992 of 2015)

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. G.S.Gupta(App)

(In Cr.Misc. No.51231 of 2015)

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 07-12-2015 Above noted both applications have arisen out of one

occurrence i.e. Ara Nawada P.S. Case No. 607 of 2014 registered

for the offences punishable under Sections 324, 307, 120B of the

Indian Penal Code and Section 27 of the Arms Act as such they

have been heard together and are being disposed of by this common order.

Allegedly, Saurav Kumar Srivastava running a mathematics coaching centre was shot and was lying in injured condition and then he stated that Bablu Tatwa lodged in jail demanded ransom of Rs. 2,00,000/- and due to non-fulfillment Suraj Paswan, Pawan Paswan and Raj Kumar Singh shot him.

Submission is of false implication and that the informant is not an eye witness, similarly other witnesses are also not the eye witness and all are hearsay, the injured Saurav Kumar Srivastava has been examined and his statement is recorded in paragraph 121 of the case diary wherein he has stated that the three petitioners came and Raj Kumar Singh shot him and this occurrence has been caused as he did not pay the ransom demanded by Bablu Tatwa and earlier Suraj Paswan has caused threats also. Confessional statement has also not been recorded and the petitioner Pawan Paswan is in custody since 03.01.2015 whereas petitioners Raj Kumar Singh and Suraj Paswan are in custody since 06.02.2015. In this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail by submitting

that the injured received serious injury and the petitioners have committed the crime at the instance of co-accused who was in custody.

In the facts and circumstances stated above, the petitioners above named of both the cases are directed to be released on bail **after completing one year in custody from the date of their remand** on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 607 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

avin/-

(Jitendra Mohan Sharma, J)

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