

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2946 of 2015

Arising Out of PS.Case No. -323 Year- 2014 Thana -BAHERA District- DARBHANGA

- =====
1. Kisho Paswan @ Ram Kishun Paswan @ Kirshna Paswan @ Kiswa Paswan Son of Madhukar Paswan Resident of village - Lohni, P.S. - Biraul, District - Darbhanga.
2. Ganesh Mallik Son of Maksudan Mallik Resident of village- Panitanki, Bahera, District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-04-2015 Heard both sides.

The petitioners seek bail in Bahera P.S. Case No. 323/14 under Sections 395, 397 of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act.

The informant lodged the case against unknown. It is submitted that during the course of investigation firstly the supervising authority named the petitioners; thereafter in para 30 of the case diary, one Tarakant Jha, a villager of the informant, named the petitioners and alleged that he saw the petitioners and others roaming around the Dharamsala and also signaling towards

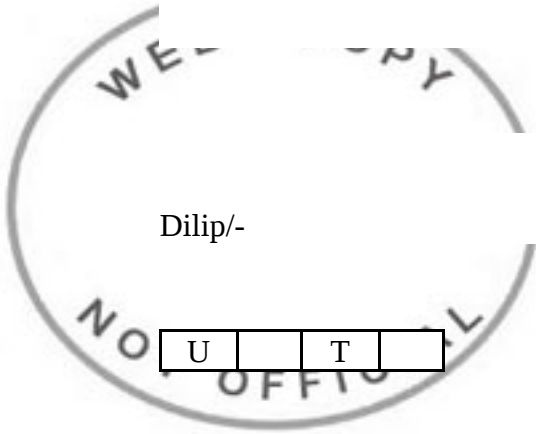


Sudhirkant Jha, the informant. The petitioners were apprehended and from possession of Ganesh Mallik (petitioner no. 2), one silver ornament was recovered, and from possession of Kisho Paswan @ Ram Kishun Paswan @ Kirshna Paswan @ Kiswa Paswan (petitioner no. 1), one mobile was recovered, but those were not the looted articles from the house of the informant as the informant did not disclose that any mobile or ornament was looted. It is further submitted that in para 70 of the case diary, the informant himself disclosed the names of the petitioners stating that the petitioners were roaming around his village but the informant identified the petitioners in the T.I.P. and, on the facts aforesaid, the T.I.P. has no credence.

It appears that although the petitioners are not named in the F.I.R. but before the petitioners were arrested, the informant and other witnesses disclosed the names of the petitioners. Even the looted articles were not recovered from the possession of the petitioners. The informant knew the petitioners, but he did not disclose the names of the petitioners in the F.I.R. However, the informant identified the petitioner in T.I.P.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged 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 A.C.J.M., Benipur,
Darbhanga in Bahera P.S. Case No. 323/2014.



(Prabhat Kumar Jha, J)