

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36990 of 2015

Arising Out of PS.Case No. -112 Year- 2014 Thana -PARAIYA District- GAYA

1. Bijali Paswan @ Bijuli Paswan S/o Late Rajendra Paswan, R/v-
Kamaldah, P.S.- Paraiya, Distt- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.39512 of 2015

Arising Out of PS.Case No. -112 Year- 2014 Thana -PARAIYA District- GAYA

1. Pardeshi Paswan Son of Raj Nandan Paswan Resident of Village -
Ghutiya Paharpur, P.S. Magadh Medical, District - Gaya (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.36990 of 2015)

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Pronati Singh, A.P.P.

(In Cr.Misc. No.39512 of 2015)

For the Petitioner/s : Mr. Raj Dular Sah

For the Opposite Party/s : Mr. Yogendra Kumar,A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are in custody in a case registered under
Sections 395/364A of the Indian Penal Code.

The prosecution case in, brief, is that on
26.10.2014 at about 6.45 P.M. four unknown persons having small



weapons came near the informant, Ram Swarup Prasad, in his house, assaulted and confined him in the Pooja room threatening to shoot him, if any hulla is raised. Thereafter, it is stated that 6-7 persons entered the house and assaulted his son Ranjeet Kumar, nephew Rajesh Kumar and female inmates of the house confined them in another room under watch of one of the miscreants. Then, the accused persons snatched the gold and silver ornaments of Sushila Devi, Neelam Kumari and looted cash Rs. 10 lacs and other jewelleryes from Almirah, T.V. and four mobiles. It is further alleged that the accused persons also took away Saurav Kumar aged about 07 years, who was grand son of informant's Sala, saying that he was son of Raj Mangal with them.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 04.02.2015 and 07.02.2015 respectively. Charge sheet has been submitted in this case. There is no allegation of tampering with the evidence against the petitioners. The petitioners are named in the FIR. The victim boy is said to have been examined under Section 164 Cr.P.C. The petitioners have not been named by the victim boy. No T.I. parade has been conducted. There is no recovery of any incriminating article from the possession of the petitioners. Other co-accused, similarly situated, have been granted bail vide Cr. Misc. No.

17344 of 2015 and Cr. Misc. No.40326 of 2015 respectively.

On behalf of the State and counsel for the informant, it has been submitted that the petitioners have accepted their guilt in course of investigation.

Considering the facts aforesaid, let above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Miss. Kalpana Srivastava, learned J.M., 1st Class, Gaya/ Chief Judicial Magistrate,Gaya in Paraiya P.S.Case No. 112 of 2014.

(Sudhir Singh, J)

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