

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31580 of 2015

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

1. Karu Paswan son of Amrendra Paswan, resident of Village- Kamaldah,
Police Station- Paraiya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.40934 of 2015

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

1. Guru Charan Chauhan @ Lamboo S/o Late Laxman Chauhan Resident of
Village Gangti, P.S. Guraru, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.31580 of 2015)

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

(In Cr.Misc. No.40934 of 2015)

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Uday Chandra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 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 07.02.2015. Charge sheet has been submitted in this case. There is no allegation of tampering with the evidence against the petitioners. The petitioners are not named in the FIR. No T.I. parade has been conducted.. There is no recovery of any incriminating article from the possession of the petitioners. It has been further submitted on behalf of the petitioners that the petitioners may be released after completion of nine months in custody from 07.02.2015.

On behalf of the State and counsel for the

informant, it has been submitted that the names of the petitioners have come in course of the investigation and the victim has not named the petitioners in his statement under Section 164 Cr.P.C.

Considering the facts aforesaid, let above named petitioners be released, after completion of nine months of their custody from 07.02.2015, 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 Sri Kumar Avinash, 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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