

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36974 of 2015

Arising Out of PS.Case No. -66 Year- 2008 Thana -SHERGHATI District- GAYA

- =====
1. Kamal Paswan S/o late Chunni Paswan.
 2. Ram Swroop Paswan S/o Bhikhari Paswan Both resident of Village-Kamaldah,P.s Paraiya, Distt- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are languishing in jail custody since 1.4.2015 in connection with Sherghati (Dhobi) P. S. Case no. 66 of 2008 for the offence alleged under Section 395 of the Indian Penal Code.

The prosecution case is that on 5.3.2008 at about 1:00 A.M. 5 - 6 persons entered into the house of the informant, committed dacoity and took away cash amount of Rs.8,000/- and other valuable articles. On raising hulla, they fled away. It is also alleged that on the same day dacoity had been committed in the houses of other villagers also.

It has been submitted by the learned counsel for the petitioners that they are not named in the F.I.R., but on the basis of the confessional statement of one of the co-accused, namely, Kamlesh Paswan, the name of the petitioner has surfaced. It has further been submitted that such confessional statement has no evidentiary value in the eye of law. They are innocent and have been falsely implicated merely on suspicion.

Under such circumstances, let both the petitioners, namely, Kamal Paswan and Ram Swroop Paswan, be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya, in connection with Sherghati (Dobhi) P. S. Case no. 66 of 2008 with the following conditions :-

- i) One of the bailors will be the close relative of the petitioners.
- ii) The petitioners will not indulge in similar or in any other offence.
- iii) The petitioners will be well represented in the court.
- iv) In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bonds will be liable to be cancelled by the court concerned.

May it be noted that since both the petitioners have got involved in various cases of similar nature, if they commit such similar offence in future, learned court below will be at liberty to cancel their bail bonds.

(Nilu Agrawal, J)

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