

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26972 of 2015

Arising Out of PS.Case No. -297 Year- 2013 Thana -SARAIYA District- MUZAFFARPUR

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1. Ram Pravesh Baitha @ Satish Jee @ Satish @ Rajesh Jee Son of Late
Yadunandan Baitha resident of village - Kauriya, Police Station -
Madhuban, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.49761 of 2015

Arising Out of PS.Case No. -297 Year- 2013 Thana -SARAIYA District- MUZAFFARPUR

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1. Ram Bali Paswan Son of Hari Paswan Resident of Village - Reva
Basantpur, Police Station - Saraiya, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.26972 of 2015)

For the Petitioner/s : Mr. Sunil Prasad Singh

For the Opposite Party/s : Mr. Sahin Begum(App)

(In Cr.Misc. No.49761 of 2015)

For the Petitioner/s : Mr. Prafull Chandra Jha

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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

ORAL ORDER

4 02-11-2015 Supplementary affidavit has been filed in Cr. Misc.

No. 26972 of 2015 which has been taken on record.

Above noted both the applications have arisen out of

one occurrence i.e. Saraiya P.S. Case No. 297 of 2013 registered

for the offences punishable under Sections 341, 435/34 of the

Indian Penal Code and Section 17 of Criminal Law Amendment Act as such they have heard together and are being disposed of by this common order.

Allegedly, 6-7 unknown persons entered into the campus of Bharti Infratel Ltd. Tower situated at Raira Naya Road, Chauk Bazar and asked the informant as to why he was running the tower when there is call of strike by the Maoist and thereafter, sprinkled kerosene oil in the centre room of the tower and put the same on fire and went away after leaving two pamphlets.

Submission is of false implication and that the petitioners are not named in the FIR, no incriminating article has been recovered from their possession, they have not been put on test identification parade and without any fault they are suffering in custody and after long lapse of time during investigation name of the petitioner Ram Naresh Baitha @ Satish Jee has been taken by a witness on 28.02.2014 vide paragraph 68 of the case diary whereas the occurrence is of 24.10.2013. It is also submitted that in this case co-accused Ramu Kumar @ Ramu Paswan @ Himanshu has been allowed bail by another co-ordinate Bench of this Court vide order dated 04.09.2015 passed in Cr. Misc. No. 38903 of 2015 to which learned APP fairly submits that the co-accused has been allowed bail.

In the facts and circumstances stated above, petitioners above named of both the cases are directed to be released on bail 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 Sub-Divisional Judicial Magistrate, Muzaffarpur (West) in connection with Saraiya P.S. Case No. 297 of 2013, 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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