

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35763 of 2015

Arising Out of PS.Case No. -743 Year- 2014 Thana -FORBESGANJ District- ARRARIA

1. Pukku Chauhan @ Kukku Chauhan @ Pukku @ Kukku son of Late Damodar Chauhan, Resident of village- Gangasagar, Jalalgarh, P.S.- Jalalgarh, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50360 of 2015

Arising Out of PS.Case No. -743 Year- 2014 Thana -FORBESGANJ District- ARRARIA

1. Yoganand Bahardar son of late Sadhu Bahardar Resident of Village- Durgapur, p.s Narpatganj, Dist Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.35763 of 2015)

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. M. Rab (App)

(In Cr.Misc. No.50360 of 2015)

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 23-11-2015 Above noted both the applications have arisen out of one occurrence i.e. Forbisganj P.S. Case No. 743 of 2014 registered for the offences under Sections 395 and 397 of the Indian Penal Code as such they have been heard together and are being disposed of by this common order.



It is submitted that the petitioners are not named in the FIR and they have not been put on test identification parade and only on the basis of confessional statement they are suffering in custody. Nothing has been recovered from their possession which is evident from the impugned order itself. No one has identified the petitioners. Co-accused Sanoj Paswan has already been allowed bail vide order dated 20.08.2015 passed in Cr. Misc. No. 33614 of 2015 by another co-ordinate Bench of this Court as such the petitioners also deserve sympathetic consideration. It is further submitted that accused Kukku Chauhan has been implicated in other cases and in those cases he is on bail and the petitioner Yoganand Bahardar has also been made accused in other cases and in almost all the cases he is enjoying the privilege of bail.

Learned APP fairly submits that from the impugned order it reveals that the petitioners have not been put on test identification parade and further there is no recovery.

In the facts and circumstances stated above, the 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 learned 4th Additional Sessions Judge, Araria in S. T. No. 141 of 2015 arising out of Forbisganj P.S. Case No. 543 of

2014, 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.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--