

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19848 of 2015

Arising Out of PS.Case No. -545 Year- 2013 Thana -GANDHIMAIDAN District- PATNA

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1. Vinay Gwala @ Binay Guwala son of late Rajesh Gwala
2. Viran Gwala @ Biren Guwala @ Ajay Singh son of Late Ganesh Gwala
Both resident of Phatapukar Jhanjhupara P.S. Rajganj, District Jalpaiguri
State West Bengal

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj

For the Opposite Party/s Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 29.04.2015 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Petitioners are in jail custody since 1.1.2014 in a case registered under sections 392, 395/412 of the Indian Penal Code and earlier prayer for bail of the petitioners was rejected by this court vide order dated 25.9.2014 passed in Cr. Misc. no. 27238/2014 and Cr. Misc. no. 31339/2014.

Petitioners are not named in the first information report but in course of investigation, they were arrested and allegedly, some looted amounts were recovered from respective possession of the petitioners and thereafter, they were put on TI Parade in which informant claimed to have identified the petitioners and furthermore, in course of investigation, police collected CCTV footage in which pictures of the petitioners were found.

Learned counsel for the petitioners submits that according to the prosecution case itself, at the time of alleged occurrence, culprits had covered their faces by muffler and, therefore, it was not possible for the informant to identify the culprits and it is also not possible for CCTV to catch the clear faces of culprits.

The impugned order of learned Adhoc. Addl. Sessions Judge VI, Patna shows that charges were framed against the petitioners on 10.11.2014 but up till now, not a single prosecution witness could be examined. Moreover apart from this, Rs 7/- lakhs had been snatched from the informant whereas Rs 1, 17,000/- was recovered from possession of petitioner no.1 and Rs 1, 10,500/- was recovered from possession of petitioner no.2.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of pace of trial of the petitioners, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Adhoc. Addl. Sessions Judge VI, Patna in Sessions trial no. 451/2014 arising out of Gandhi Maidan P.S. Case no. 545/2013 subject to conditions that one of the sureties must be local and furthermore, another surety must be close relative of the petitioners.

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(Hemant Kumar Srivastava,J)

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