

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50475 of 2014

Arising Out of PS.Case No. -89 Year- 2014 Thana -BARUN District- AURANGABAD

1. Pintu Kharwar @ Pintu Kumar S/o Late Firangi Kharwar, resident of village- Gajbor Bigha, Barun, P.S.- Barun, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50527 of 2014

Arising Out of PS.Case No. -89 Year- 2014 Thana -BARUN District- AURANGABAD

1. Navlesh Kharwar S/o Late Laldeo Kharwar resident of Village - Gajbor Bigha, Barun, P.S. - Barun, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.50475 of 2014)

For the Petitioner/s : Mr. Krishna Pd. Singh, Advocate.

For the Opposite Party/s : Mr. Rajendra Pd. Nat(App)

(In Cr.Misc. No.50527 of 2014)

For the Petitioner/s : Mr. Krishna Pd. Singh, Advocate.

For the Opposite Party/s : Mr. Ram Chandra Sahni (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 19-03-2015 Heard both sides.

The petitioners seek bail in Barun P.S. Case No. 89 of 2014, registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

The petitioners are not named in the FIR. Ajit Chauhan lodged the case against unknown for committing dacoity in his

house. The informant also disclosed that the dacoity was committed in the house of Lalmuni Devi.

Learned counsel for the petitioners submits that Pintu Kharwar @ Pintu Kumar, the petitioner was apprehended on suspicion in Barun P.S. Case No. 91 of 2014 along with Kukua Kharwar in Barun P.S. Case No. 92 of 2014. Pintu Kharwar @ Pintu Kumar and Kukua Kharwar confessed their guilt in para 18 and 19 of the case diary and disclosed that they sold the ornaments to the shop of Dharmendra. In pursuance thereof, some ornaments were recovered and were put on test identification parade. The informant Ajit Chauhan and his wife Renu Devi did not identify any of the looted articles recovered from the jewellery shop, but Lalmuni Devi has identified three silver coins. It has further been submitted that the silver coin is of common feature and no mark of identification was disclosed in the FIR. Even Lalmuni Devi did not lodge any case. Name of the petitioner Navlesh Kharwar surfaced in the case in the confessional statement of Pintu Kharwar @ Pintu Kumar and Kukua Kharwar, but the petitioners were not put on test identification parade.

It appears that except the confessional statement of the petitioner Pintu Kharwar @ Pintu Kumar and Kukua Kharwar no tangible material is collected during the course of investigation to

show the involvement of the petitioners in committing dacoity in the house of Ajit Chauhan.

Considering the facts aforesaid the petitioners above named are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 89 of 2014.

(Prabhat Kumar Jha, J.)

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