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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23562 of 2016

Arising Out of PS.Case No. -463 Year- 2015 Thana -GAYA MUFFSIL District- GAYA

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Bablu Kumar @ Bablu Paswan son of Ambika Prasad @ Ambika Paswan, resident of Mohalla-Bageshwari, Police Station- Delha, District-Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Kamlendra Pd. Singh, Advocate
For the Opposite Party : Mr. Sanjay Kr. Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 11-08-2016 Heard learned counsel for the petitioner and learned counsel for the petitioner.

The petitioner is in custody in connection with Muffasil P.S.Case No.463 of 2015 registered for an offence under Sections 302 and 379/34 of the IPC and Section 27 of the Arms Act.

As per the prosecution case, it is alleged by the informant that on 18.12.2015 at about 10.30 in the night he along with all the family members were sleeping in the house and in the meantime, he heard sound of knocking on the door when he enquired and he opened the door then all of a sudden some persons entered in his house, namely, Ashok Paswan, Amit Paswan, Satish Paswan, Shankar Paswan, Satendra Paswan, Surendra Paswan, Rajendra Paswan, Bablu Paswan (petitioner),

Rajesh Paswan, Raja Ram Paswan and Nirmal all their holding arms and fired by pistol on his mother, namely Tapeshwari Devi and Amit Paswan and Satish Paswan fired upon his brother Deepak Kumar, Shankar Paswan and Rajendra Paswan and others and during course of occurrence, the informant's mother, namely, Tapeshwari Devi died at the spot and also looted cash of Rs.2,65,000/- which was kept in a suitcase and also looted golden item of the informant.

Learned counsel for the petitioner submits that petitioner is in custody since 14.01.2016. Petitioner has got no criminal antecedent. Charge-sheet has been submitted in the case. There is no allegation of tampering of witnesses against the petitioner. No specific overt-act has been alleged against the petitioner. The main allegation is against co-accused Ashok Paswan, Amit Paswan, Satish Paswan, Shankar Paswan and Rajendra Paswan. Police has submitted a final form against the petitioner but the learned court below has differed with the police report and has taken cognizance for non-bailable offence. The other co-accused has been granted bail by this Court vide Cr.Misc.No.26804 of 2016.

On behalf of the State, it is submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **CJM, Gaya** in connection with **Muffasil P.S.Case No.463 of 2015**.

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(Sudhir Singh, J)

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