

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44020 of 2015

Arising Out of PS.Case No. -172 Year- 2015 Thana -SAKRA District- MUZAFFARPUR

1. Mahendra Paswan son of Ram Prasad Paswan,
2. Ram Kaliya Devi wife of Mahendra Paswan Both resident of village
Pindauta, P.S. Tisiauta, District Vaishali.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.48893 of 2015

Arising Out of PS.Case No. -172 Year- 2015 Thana -SAKRA District- MUZAFFARPUR

Visheshwar Paswan Son of Sri Rupy Paswan, Resident of Village - Nari
Mahathi, P.S. - Tisiauata, District - Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.44020 of 2015)

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

For the Opposite Party/s : Mr. P.K.Jha(App)

(In Cr.Misc. No.48893 of 2015)

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. B. N. Pandey (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

5 29-01-2016 Above noted both the applications have arisen out of

one occurrence i.e. Sakra P.S. Case No. 172 of 2015 registered for

the offences punishable under Sections 363, 364/34 of the Indian

Penal Code and as such they have been heard together and are

being disposed of this common order.

Allegedly, three months old son of the informant was taken away and the petitioner Mahendra Paswan was seen lifting the boy and further the petitioners Mahendra Paswan and Ram Kaliya Devi confessed the guilt and they stated the name of other co-accused. During investigation the victim boy was recovered from possession of Rinku Devi and Ranjit Kumar vide para 7 of supplementary case diary dated 10.08.2015.

Submission is of false implication, the prosecution story as propounded in written statement appears not probable and reliable, the victim boy has already been recovered and it has come during investigation that Rinku Devi was childless and in greed she picked up the child and as such the petitioners who are suffering in custody since 15.6.2015 and 13.7.2015 respectively deserve sympathetic consideration to which learned A.P.P. opposes by submitting that Rinku Devi confessing her guilt has stated the name of the petitioners also.

In the facts and circumstances stated above, considering that the victim has already been recovered and the petitioners by remaining in custody have been penalized sufficiently, at this stage, charge-sheet has already been submitted and there is no chance of tampering with prosecution evidence and

as such they 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 C.J.M., Muzaffarpur in connection with Sakra P.S. Case No. 172 of 2015, subject to the conditions that one of the bailors must be 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)

siddharth/-

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