

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45281 of 2015

Arising Out of PS.Case No. -237 Year- 2015 Thana -CIVIL LINE District- GAYA

1. Karan Paswan @ Kara Paswan @ Chhotu Paswan s/o Munarik Paswan
resident of Mohalla - Bairagi Daksthan, P.S. - Kotwali, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.45726 of 2015

Arising Out of PS.Case No. -237 Year- 2015 Thana -CIVIL LINE District- GAYA

1. Md. Abid son of Moinuddin, resident of Village Baduwa Manjhauli,
Police Station Fatehpur, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.45281 of 2015)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Vinod Kumar

For the Opposite Party/s : Mr. Anil Kr. Singh(App)

(In Cr.Misc. No.45726 of 2015)

For the Petitioner/s : Mr. Shivendra Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-01-2016 Above noted both the applications have arisen out of one occurrence i.e. Civil Line P.S. Case No. 237 of 2015 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 411/34 of the Indian Penal Code and as such they have been heard together and are being disposed of by this common order.



Allegedly, acting on an information, raid was conducted and the petitioner Karan Paswan @ Chhotu Paswan and one Randhir Kumar were apprehended and from possession of the petitioner Karan Paswan 25 ATM Cards of different Banks and one mobile were recovered and further on their disclosure other co-accused including the petitioner Md. Abid were apprehended and from possession of Md. Abid 10 ATM Cards and mobile were recovered and it is alleged that they used to withdraw money from those ATM Cards of different persons and used to misappropriate the amount.

Submission is of false implication and that during investigation it has not come that whose ATM Cards were recovered from possession of these petitioners, whether such cards have ever been used for fraudulent withdrawal by the petitioners and further it has not come that any one has been put to wrongful loss and as such the petitioners who are suffering in custody deserve sympathetic consideration as other co-accused namely, Randhir Kumar, Niwas Kumar, Chandan Kumar and Rupesh Kumar have already been allowed bail by another co-ordinate Bench of this Court but Rupesh Kumar was allowed bail with condition that he will be released after completion of six months custody.

Learned APP is not in a position to distinguish the case of the petitioner from that of other co-accused.

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 the learned Chief Judicial Magistrate, Gaya in connection with Civil Line P.S. Case No. 237 of 2015, 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)

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