

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5862 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -HATHIDAH District- PATNA

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1. Kundan Paswan, son of Vishunu Dev Paswan
2. Jwala Paswan, son of Rambilash Paswan, both residents of Village
Dariyapur, P.S.- Hatidah, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 18-02-2016 Heard the learned counsel for the petitioners as well as the
learned A.P.P. for the State.

The petitioners seek bail in a case for the offence
punishable under Section 394 of the I.P.C.

Allegedly, three miscreants armed with pistol snatched
mobile, cash of Rs.3000/- from the informant and cash of
Rs.2500/- from Rajesh and further opened fire and after getting
information from the informant the police party chased the
miscreants and caught them. From possession of co-accused Ravi
Kumar one loaded country made pistol and looted mobile and
from possession of petitioner no.1 Kundan Paswan cash of
Rs.3000/-, one mobile and one live cartridge and from possession
of petitioner no.2 Jwala Paswan cash of Rs.2500/- and one live
cartridge were recovered and co-accused Ravi Kumar confessed

his guilt.

Submission is of false implication and that the amount recovered from the possession of the petitioners is their amount, they have not robbed the informant or his associates, they have been made victim of the circumstances and as such considering their detention since 15.6.2015 they deserve sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering the detention of the petitioners, the petitioners above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, Judicial Magistrate, 1st class, Barh, District Patna in connection with Hathidah P.S. Case No.50 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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