

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13866 of 2016

Arising Out of PS.Case No. -115 Year- 2015 Thana -GAYA GRP CASE District- GAYA

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1. Uttam Paswan @ Raju Son of Shiv Shankar Paswan, R/o Village - Chamandih, Chakand, P.S. - Chandaute (Chakand O.P.), District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-05-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 395 of the I.P.C

Allegedly, dacoity was committed in Kiul-Gaya passenger train and several passengers were made victims. During investigation on the basis of the secret information the petitioner was caught and he confessed his guilt stating the name of Amit Sah and other co-accused and further from the mobile location it was found that the tower location of mobile of the petitioner was near the place of occurrence.

Submission is of false implication and that the petitioner is in custody since 19.12.2015 but he has not been put

on the test identification parade, nothing has been recovered from his conscious possession or from his house, only on the basis of his criminal antecedent he has been implicated in this case and as such he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by pointing out the criminal antecedent of the petitioner.

In the facts and circumstances as stated above, the petitioner is directed to 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 Railway Judicial Magistrate, Gaya in Gaya Rail P.S. Case No. 115 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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