

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26014 of 2016

Arising Out of PS.Case No. -13 Year- 1996 Thana -BIHPUR District- BHAGALPUR

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1. Ashok Paswan Son of Pradeep Paswan, Resident of Village- Hario, P.S. Bihpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 24-06-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 396 of the Indian Penal Code.

Bihpur (Bhawanipur) P.S. Case No. 13 of 1996 was registered in the year 1996 and during course of investigation, name of petitioner surfaced in confessional statement of co-accused. The police submitted charge sheet against several co-accused in piecemeal manner and subsequently, petitioner was charge sheeted on 17.07.2006 showing absconder.

Learned counsel for the petitioner submits that petitioner was not aware about the submission of charge sheet and as a matter of fact, all of a sudden, he was arrested on 23.09.2015

and then came to know about the institution of the present case. It is further submitted that petitioner does not have any criminal antecedent which has specifically been pleaded at para-3 of the petition.

No doubt, the prosecution case appears to be very serious in nature but so far as petitioner is concerned, it appears that except confessional statement of co-accused, there is nothing against him and furthermore, there is also nothing in the impugned order of learned Additional Sessions Judge to show that prior to submission of charge sheet any process had ever been served upon the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Naugachia, Bhagalpur in connection with Bihpur (Bhawanipur) P.S. Case No. 13 of 1996.

(Hemant Kumar Srivastava, J)

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