

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6483 of 2017

Arising Out of PS.Case No. -765 Year- 2015 Thana -NAWADA District- NAWADA

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1. Raju Kumar Chandrabanshi Son of Shankar Singh Resident of Mohalla Sabji Bazar , P.S. Nawada District Nawada.
 2. Gautam Pandey Son of Nandlal Pandey Resident of Village Nonai, P.S. Akbarpur, District Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 10.10.2016 in connection with Nawada Town P.S. Case No. 765 of 2015 registered for the offence punishable under Sections 395 of the Indian Penal Code.

The prosecution case is that on 06.12.2015 at about 10:00 P.M. while the informant and his family members were sleeping, one person after climbing on the roof, came down in the house and thereafter entered into the room of the mother of the informant and demanded key. His mother due to fear gave the key and thereafter, he opened the lock of the door and about six



persons armed with pistols entered in the house of the informant and committed dacoity and took away several articles, including ornament and cash. Accused persons also committed dacoity in the house of his neighbour Onkar Prasad and also assaulted his family member.

It has been submitted by the learned counsel for the petitioners that they are innocent, not named in the First Information Report and have been falsely implicated merely on the basis of suspicion. He further submits that no Test Identification Parade has been done so far and one co-accused, Guddu Kumar, who is alleged to be an associate of the petitioners in committing dacoity, has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 54042 of 2016 on 12.01.2017. It is further submitted that nothing has been recovered from the conscious possession of the petitioners.

However, learned A.P.P. for the State submits that the petitioners do not have clean antecedent and on the same day they committed dacoity in another house, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand



only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 765 of 2015, subject to the condition that the petitioners will appear before the Police/ Court on each and every date and failure to appear in the learned Court below on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J.)

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