

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18712 of 2017

Arising Out of PS.Case No. -175 Year- 2014 Thana -AMAS District- GAYA

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Santosh Paswan, Son of Santan Paswan, Resident of Village- Alondichak,
P.S.- Amas, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

For the State : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

2 15-05-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Amas
P.S. Case No. 175 of 2014 registered for the offences punishable
under sections 395, 328 and 412 of the Indian Penal Code.

The petitioner is not named in the FIR. Six unknown
persons are alleged to have looted the truck of the informant
loaded with horlicks and also cash.

Submission is of false implication and that name of
the petitioner has figured in this case in the confessional statement
of co-accused. The learned Sessions Judge has referred so many
paragraphs of the case diary but no material was collected except
hearsay evidence. No looted or recovered article was recovered
from the possession of the petitioner. The petitioner is in custody



since 22.06.2015 but he has not been put on TIP. Similarly situated co-accused Sunil Kumar Paswan @ Sunil Paswan, Sunil Pandey, Sandeep Kumar Paswan, Akhilesh Paswan @ Akhilesh Paswan, Jitendra Paswan and Bachan Paswan have been allowed bail by different co-ordinate Benches of this Court and as such, the petitioner also deserves sympathetic consideration.

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

In the facts and circumstances as stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10, 000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati, Gaya, in connection with Amas P.S. Case 175 of 2014, 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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