

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19092 of 2018

Arising Out of PS.Case No. -232 Year- 2014 Thana -BAHERA District- DARBHANGA

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1. Kapchi Paswan @ Hira Paswan son of Late Suresh Paswan resident of village - Lohani, Police Station - Biraul, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

03 18-05-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Bahera P.S. Case No. 232 of 2014 registered under Sections 395 and 397 of the Indian Penal Code and Section 34 of the Explosive Substances Act.

20-25 unknown miscreants are said to have committed dacoity in the house of the informant on the point of firearms and assaulted the inmate of the house during the course of occurrence and also exploded bomb during course of retreat.

It is submitted by learned counsel for the petitioner that the petitioner was neither apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has no



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concern with the aforesaid occurrence. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of Kesho Paswan, Ganesh Malik and that of the petitioner which has no evidentiary value in the eye of law. Though four criminal cases have been lodged against the petitioner but he is on bail in the aforesaid cases. The petitioner has been languishing in custody since 14.12.2017. Kesho Paswan and Ganesh Malik have been enlarged on bail by different co-ordinate benches of this court in Cr. Misc. No.32928 of 2015 and Cr. Misc. No.42863 of 2015 vide order dated 15.10.2015 and 17.09.2015 respectively.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II, Benipur, Darbhanga in connection with Sessions Trial No.347 of 2016, arising out of Bahera P.S. Case No.232 of 2014.

(Prakash Chandra Jaiswal, J)

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