

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41427 of 2018

Arising Out of PS. Case No.-109 Year-2014 Thana- GAYA MUFFSIL District- Gaya

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1. Sanjay Paswan,
 2. Sarwan Paswan, Both son of Nandalal Paswan, Resident of Village- Nima, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners seek bail in connection with Gaya Mofassil P.S. Case No. 109 of 2014 registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was sleeping outside his house along with his wife and children and his nephew, Suraj Kumar was sleeping in his house, 14-15 unnamed miscreants came and awoke the informant and also asked to prepare food for which informant knocked his door and 8 miscreants entered in the house and stole and robbed all the jewellery and mobile of the informant and his nephew. The miscreants also robbed his neighbour of



cash of Rs. 20,000/- and ornaments and he came to know that in the nearby plant, miscreants had looted Rs. 3,75,000/-.

It has been submitted by the learned counsel for the petitioners that they are innocent, not named in the First Information Report and it is only on the confessional statement of one Vijay Paswan @ Banda that the name of the petitioners surfaced. He submits that the petitioners bear no criminal antecedent and nothing has been recovered from their conscious possession. No Test Identification Parade has been done so far and the petitioners undertake to cooperate in the investigation and not to tamper with the prosecution witnesses. The petitioners are languishing in judicial custody since 19.05.2018.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioners were the members of the gang, as has surfaced during the course of investigation.

Considering the facts and circumstances and the materials on record, let the petitioners, named above, 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, Gaya in connection with Gaya Mofassil P.S. Case No. 109 of



2014, subject to the conditions that:

- (1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.
- (2) The petitioners will cooperate in the investigation and will appear before the Police/ Court as and when required and failure to appear will entail cancellation of their bail bonds.
- (3) It is also made clear that if, in future, petitioners indulge in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J.)

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