

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16821 of 2019**

Arising Out of PS. Case No.-3 Year-2007 Thana- JHAJHA RAIL P.S. District- Lakhisarai *

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DHARMENDRA PASWAN @ DHARMA PASWAN Son of Late Arjun
Paswan Resident of Village - Sondipi, P.S. Laxmipur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
04.09.2018 in a case registered for the offence punishable
under Section 395 of the Indian Penal Code.

The prosecution as per the Fardbeyan of Abhishekh
is to the effect that on 09.02.2007, in the Upasana Express, 10-
15 unknown miscreants entered into the boggy at Kiul
Junction and committed dacoity and thereafter, got down at
Jamui Junction. Though the FIR was registered in 2007, but
the petitioner was absconding for 11 years. However, during
investigation, two witnesses have suggested that they have



identified the petitioner.

It is submitted by learned counsel for the petitioner that that petitioner has falsely been roped in the present case only on the basis of suspicion. It is further submitted that a statement has been made in paragraph no. 8 of the petition that the petitioner has never been put on Test Identification Parade and the investigation has already been concluded. Though the petitioner is accused in four other cases, but out of the four cases, he has been acquitted in three cases by the learned Court below.

Learned APP for the State submits that the petitioner was absconded for eleven years.

Considering the fact that the investigation has already been concluded, the material on record suggests that chargesheet has been submitted without putting the petitioner on Test Identification Parade, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-cum-Railway Magistrate, Kiul, Lakhisarai in connection with Jhajha Rail P.S. Case No.03 of 2007.

However, the learned court below will be at liberty to



cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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