

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13328 of 2019

Arising Out of PS. Case No.-14 Year-2013 Thana- FORBESGANJ District- Araria

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ASHISH KUMAR PASWAN @ GOMESH PASWAN Son of Shital Paswan
Resident of Village - Puranwas, P.S.- Haripur, Distt.- Sarlahi (Nepal).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Bilash Roy Raman, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-03-2019 Learned counsel for the petitioner is permitted to
make necessary correction in the application.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
01.12.2016 in a case registered for the offences punishable
under Sections 395, 397 of the Indian Penal Code and Sections
3/4 of the Explosive Substances Act. Subsequently, Section
412 of the I.P.C. was also added.

The prosecution case got initiated on the Fardbeyan
of Kapildeo Mehta, recorded by Parmeshwar Prasad, Sub-
Inspector of Police Forbesganj P.S. on 16.01.2013 at 2.00
P.M., to the effect that on 15.01.2019, while the informant was
sleeping in his house, at about 12.30 A.M. on hearing cracking



sound, he woke up and found that some miscreants have entered into his house. It is alleged that the accused persons after breaking the lock of the door of the room committed dacoity cash amount of Rs.70,000/- cash, a mobile phone, cloths etc. The accused persons assaulted the family members of the informant, leading to registration of FIR against unknown. The name of the petitioner sprang up on the confession of co-accused.

It is submitted by learned counsel for the petitioner that neither there is any recovery of robbed article from the possession of the petitioner nor the petitioner has been put on Test Identification parade. It is further submitted that though the petitioner has been made accused in Jogbani (Bathnaha) P.S. Case NO. 9 of 2016, but in that case, he has been acquitted. Thereafter, the petitioner has been made accused in Jogbani P.S. Case No. 3 of 2013, but in that case he is on bail.

Learned APP for the State submits that the name of the petitioner sprang up during investigation on the confession of co-accused.

Considering the fact that the investigation has already been concluded, the order of learned Sessions Judge does not suggest that any recovery has either been made from



the possession of the petitioner or the petitioner has been put on the Test Identification parade and the present stage of trial, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 1st Additional Sessions Judge, Araria, in connection with S.T. No. 114 of 2017, arising out of Forbesganj P.S. Case No. 14 of 2013.

Since the petitioner is having criminal antecedent, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets substantially involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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