

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16202 of 2019

Arising Out of PS. Case No.-328 Year-2012 Thana- RAXAUL District- East Champaran

Mukesh Paswan Son of Brahamdev Paswan Resident of Village - Pittho, P.S.-
Kewati, Distt. Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 29.11.2018 in a case registered for the offence punishable under Sections 396 of the I.P.C.

The prosecution case as per the written report of Pramod Pandey dated 26.12.2012 submitted to the SHO, Raxaul Police Station is to the effect that on 25.12.2012 at 11.45 P.M., the informant and his family members were sleeping when dacoity was committed in his house. The dacoits, prior to entering into the house of the informant, committed dacoity in two other houses also. When the father of the informant made protest, he was brutally assaulted by miscreants, as a result, the father of the informant died, leading to registration of FIR against



25-30 unknown. During investigation, name of the petitioner sprang up in the exculpatory confessional statement of co-accused Surendra Ram.

It is submitted by learned counsel for the petitioner that neither any recovery has been made from the possession of the petitioner nor the petitioner has been put on Test Identification Parade. Though the petitioner is in custody in other case since 2016 but he has been remanded in this case in 2018. It is further submitted that the investigation has already been concluded and similarly situated co-accused on whose confessional statement name of the petitioner sprang up, has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.12.2014 passed in Cr. Misc. No. 37181 of 2014.

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

Considering the fact that the investigation has already been concluded, the impugned order does not suggest that the petitioner has been put on Test Identification Parade, the period under custody, coupled with the fact that similarly situated co-accused has been



granted bail, let the petitioner above named 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 the learned SDJM, Raxaul at Motihari in connection with Raxaul P.S. Case No.328 of 2012.

Keeping in view the serious criminal antecedent of the petitioner, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in case he defaults on three consecutive occasions.

(Dinesh Kumar Singh, J)

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