

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80478 of 2018

Arising Out of PS. Case No.-28 Year-2006 Thana- BODHGAYA District- Gaya

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Gupta Paswan, S/O Sivam Paswan, R/V- Kamaldah, P.S. Paraiya, District- Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Vinod Kumar, Advocate.

For the Opposite Party : Mrs. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 15-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
01.10.2018 in a case for the offence registered under Sections
395 and 397 of the IPC.

The prosecution story, in brief, is that on 18.03.2006
at about 6.30 P.M., the informant alongwith Devendra were
coming from Sherghati to Bodh-Gaya on Motorcycle and
reached near Karmadhap in lonely place then 9-10 persons
armed with pistols took away Nokia Mobile Phone and Rs.
24,000/- from his pocket and they also took away Rs. 200/-
from Devendra. It is alleged that the informant went to
Shekhabigha and disclosed the occurrence to the villagers thus
some of the people came there. The accused persons were trying



to commit loot from the passengers to Tempo then after hearing alarm they began to struggle with the villagers then the accused persons began to assault Dilip because Dilip identified the accused persons namely the petitioner and Gyatri Paswan who were the resident of village-Kamaldah. After that the petitioner took away the Mobile phone of the injured Dilip Kumar and the people brought him in hospital where the police came there and the present case was lodged.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to previous enmity. No incriminating article is said to have been recovered from possession of the petitioner. The petitioner has not been put on T.I. Parade. It is further submitted that the petitioner may be released on bail after completion of one year in custody.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let



the petitioner above named, be released on bail after completion of one year in custody on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court, A.D.J.-IXth, Gaya in connection with Sessions Trial No. 190/14/529/10, arising out of Bodhgaya P.S. Case No. 28/2006.

(Sudhir Singh, J)

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