

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26131 of 2019**

Arising Out of PS. Case No.-32 Year-2002 Thana- NAVINAGAR District- Aurangabad

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YOGESH PASWAN @ YUGESH PASWAN @ YUGESH RAM Son of Late
Rambilash Paswan Resident of Village- Charkol, P.S.- Hussainabad, District-
Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
27.11.2018 in connection with Nabinagar P.S. Case No. 32 of
2002 for offences punishable under Section 395 of the Indian
Penal Code.

The prosecution case as lodged by the informant is
that while he along with his family was sleeping in the night,
10-12 persons claiming to be Dacoits came inside the house and
took his son on pistol point and started loot of the household
articles. On alarm, they managed to flee away along with gold,
silver ornaments and clothes worth Rs. 10,000/-.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent, nothing has been recovered from the possession of the petitioner or from his house during investigation and no T.I. Parade has been done so far. He submits that the co-accused Jairam Ravidas on whose confessional statement the name of the petitioner surfaced has been granted the privilege of bail by the learned court below itself as stated in para-9 of the present application. It is further submitted that one of the co-accused on similar allegation has been granted the privilege of bail by this Court in Cr. Misc. No. 2729 of 2006 dated 28.02.2006. He submits that charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses/evidence and he is languishing in judicial custody since more than five months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, period of custody and that charge sheet has already been submitted coupled with the fact that petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner above named be enlarged 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 Chief Judicial Magistrate, Aurangabad in connection with Nabinagar P.S. Case No. 32 of 2002, subject to the condition that one of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

devendra/priyanka

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