

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4041 of 2020

Arising Out of PS. Case No.-519 Year-2016 Thana- GAYA MUFASIL District- Gaya

1. Umesh Paswan Son of Late Bachchu Paswan Resident of Village - Kamaldah, P.S.- Paraiya, Distt - Gaya.
2. Karu Paswan Son of Amarendra Paswan Resident of Village - Kamaldah, P.S.- Paraiya, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in jail since 24.07.2018 in a case registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Prem Kumar, recorded by Inspector-cum-S.H.O, K.P. Sharma, Gaya Muffasil Police Station is to the effect that the informant was running a customer service centre



from his house-cum-office. On 02.12.2016 at 6:00 P.M., eight persons entered into the house of the informant and committed dacoity and took away cash amount of rupees three lakhs, jewellery and other valuable articles, leading to registration of the case against eight unknown persons. The name of the petitioners sprang up on the confession of co-accused Dharmendra Paswan.

It is submitted by learned counsel for the petitioner that only on the basis of the confessional statement of co-accused Dharmendra Paswan the petitioners have been made accused in the case and co-accused Dharmendra Paswan has been granted bail vide Cr. Misc. No. 57930 of 2017 by a Co-ordinate bench of this Court and the petitioners have not been put on T.I. parade and there is no recovery from the possession of the petitioners.

Though the petitioners are accused in three other cases but they are on bail in all those cases.

Learned A.P.P. submits that the name of the



petitioners sprang up during investigation on the statement of co-accused Dharmendra Paswan.

Considering the fact that there is no recovery from the possession of the petitioners which has not been controverted by learned A.P.P, the petitioners not being put on T.I.P. and the investigation already being concluded, let the petitioners, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Mofassil P.S. Case No. 519 of 2016.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioners will be



confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Mofassil P.S. Case No. 519 of 2016 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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