

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7277 of 2015

Arising Out of PS.Case No. -202 Year- 2000 Thana -BIKRAM District- PATNA

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SHAILESH PASWAN @ SHILESH PASWAN son of Late Gurucharan
Paswan Resident of village Bari Police Station Bikram District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Priyedarshi, Adv

For the Opposite Party/s : Mr. Lalan Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 04-09-2015 Heard learned counsel for the parties.

The prayer for bail of the petitioner was earlier rejected on 01.10.2013 in Criminal Miscellaneous No.14482 of 2013, keeping in view that the petitioner facing prosecution for offences punishable under Sections-302 and 307 of the Indian Penal Code, in the police case which was instituted in the year 2000, was himself responsible in not getting the trial of the case conducted on account of his remaining absconding for a period of more than 12 years. It, however, appears that the petitioner has now remained in custody for a period

of three years but till date the trial has not commenced, in a sense, that not a single witness has appeared, as would be apparent from the report of the Court below as contained in letter no. 265 dated 28.08.2015.

That being so, this Court would allow the prayer for bail of the petitioner namely, **Shailesh Paswan**, is allowed and he is directed to 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 **Additional Sessions Judge, Vth, Danapur** in connection with **Bikram P.S. Case No. 202 of 2000 in Sessions Trial No. 1115 of 2013, Trial No. 609 of 2014** subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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