

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20442 of 2015

Arising Out of PS.Case No. -124 Year- 2013 Thana -ARA MUFFSIL District- BHOJPUR

Jathuli Paswan @ Dhanjee Paswan, son of late Naresh Paswan, resident of village- Pirauta, P.S.-Ara, Mufassil, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surj Bansh Roy, Advocate.

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

5 02-09-2016

Heard learned counsel for the parties.

The petitioner seeks bail in connection with Ara Muffasil P.S.Case No. 124 of 2013 dated 23.05.2013 instituted under Sections 302/201/35 of the Indian Penal Code.

This is the second attempt of the petitioner for bail as earlier such prayer was rejected by order dated 01.07.2014 passed in Cr. Misc. No. 11333 of 2014 with a direction to the court below to expedite the trial and conclude the same within nine months.

Learned counsel for the petitioner submits that pursuant to order rejecting bail dated 01.07.2014, the trial has commenced in which three witnesses have been examined, including the wife and the son of the deceased, but the sister and nephew of the petitioner have deposed that the deceased was the brother-in-law (married to the sister of the petitioner) and thus, it cannot be imagined that he would make his own sister a widow. Learned counsel referred to the depositions of the

aforesaid three witnesses, which have been brought on record by way of a supplementary affidavit. He submits that all the three witnesses have neither expressed any suspicion nor stated with regard to petitioner committing the crime. It has further been submitted that the petitioner, having clean antecedent, is in custody since 02.10.2013.

Learned A.P.P. is not in a position to controvert the aforementioned submissions.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Muffasil P.S.Case No. 124 of 2013, subject to condition that petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the court below that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall co-operate in the trial and be present on each and every date before the court below. Failure to do so shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Sujit/-

U			
---	--	--	--