

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.682 of 2016

Arising Out of PS.Case No. -335 Year- 2001 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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Nagina Paswan @ Nagin Paswan, Son of Late Bechan Paswan @ Bechan Das Resident of Village- Lattipur, P.S. Nagarnausa, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajeev Kumar

For the Opposite Party : Mr. R.P.Saran Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-03-2016 Heard learned counsel for the petitioner and learned
A.P.P representing the State.

The petitioner seeks bail in connection with Chandi (Nagarnausa) P.S. Case No. 335 of 2001 registered for the offence punishable under Sections 147, 148, 149, 325, 379, 323, 307, 302 of the Indian Penal Code & Sec. 27 of the Arms Act.

Allegedly, petitioner came with refile and shot Shiv Balak Paswan the brother of the informant and Baleshwaer Paswan also shot Shiv Balak Paswan. Thereafter, Ranjit Paswan shot Ram Balak Paswan and firm arms injury were found on the chest and hand of the deceased Shiv Balak Paswan.

Submission is of false implication and that the petitioner is in custody since 05.09.2007, still no witnesses has been examined, other co-accused Baleshwar Paswan has been allowed bail vide

Criminal Miscellaneous Case No. 45194 of 2007 by order dated 06.05.2009, there is no eye-witness except informant and as such the petitioner deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that in near future the trial is not likely to be concluded and petitioner is in custody for a period of exceeding 7 years and as such petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge, Hilsa (Nalanda) in connection with S.T. Case No. 271 of 2015 arising out of Chandi (Nagarnausa) P.S. Case No. 335 of 2001, subject to conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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