

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 42940 of 2015

Arising Out of PS.Case No. -160 Year- 2012 Thana -PALIGANJ District- PATNA

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Pradeep Paswan son of Late Chandrika Paswan resident of Village - Azada, Police
Station - Paliganj, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ashok Kumar Sinha with
Mr. Sudhir Kumar Sinha, Advocates
For the State : Mr. Satyavrat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 03-05-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in Paliganj P.S. Case No. 160
of 2012 dated 20.07.2012 instituted under Sections 302/34 of the
Indian Penal Code and 27 of the Arms Act.

3. This is the second attempt for bail by the petitioner as
earlier such prayer was rejected on 20.10.2014 in Cr. Misc. No. 5301
of 2014.

4. Learned counsel for the petitioner submitted that he is



in custody since 25.03.2013 and as per the version in the *fardbeyan* itself, by the wife of the deceased, he is alleged to have fired upon the deceased, but in the postmortem, there is not even one firearm injury, rather incised wounds have been found, which, in the opinion of the doctor, have been caused by sharp substance. Learned counsel submitted that though the petitioner was accused in another case but in the same, he has been acquitted and that he has no other criminal antecedent. Learned counsel submitted that despite charges having been framed on 11.02.2015, trial has not progressed.

5. Learned A.P.P. submitted that the informant has reiterated the version during investigation and other relatives have also supported the version of firing by the petitioner which does not stand corroborated by the postmortem report.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II, Danapur, Patna in Sessions Trial No. 280 of 2013 arising out of Paliganj P.S. Case No. 160 of 2012, corresponding to G.R. No. 1818 of 2012, subject to the condition that one of the bailors shall be a Government servant. Further, the 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 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 cooperate in the trial and be present before the Court on each and every date. Failure to do so on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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