

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2448 of 2017

Arising Out of PS.Case No. -53 Year- 1996 Thana -SAHAR District- BHOJPUR

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Shiv Raj Paswan, son of Sodhan Paswan, Resident of Village - Chauri, P.S.
- Chauri, District - Bhojpur at Ara (Bihar).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 18-05-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Sahar
P.S. Case No. 53 of 1996, registered under Sections 302, 307,
342 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 24.04.1996, in the evening,
informant Benkatesh Sharma along with Suresh Chandra
Sharma, Jagaganth Sharma and Kameshwar Singh were going to
village Dhanchhua. In the way, nine persons named in the F.I.R.
including the petitioner started to chase by making, firing in the
said firing Kameshwar Singh sustained fire arm injury and died
on the spot.

Learned counsel for the petitioner submits that, in
fact, the petitioner had no knowledge regarding lodging of Sahar



P.S. Case No. 53 of 1996 as he was out of state for his livelihood and when he came to know regarding lodging of case, he surrendered on 13.06.2016 since then he is in custody. Further submission is that four other co-accused, namely, Nandjee Ram, Fida Mian, Deo Sharan Dusadh and Wakil Mahto have already been acquitted after trial vide Judgment dated 08.02.2012 passed in Sessions Trial No. 215 of 1998 by the Court of Addl. Sessions Judge-II, Bhojpur at Ara. After surrender of the petitioner his case was committed to the Court of Session numbered as S.T. No. 345 of 2016 and Charge has already been framed against the petitioner on 05.01.2017 by the Court of Addl. Sessions Judge-II, Ara. The petitioner has no criminal antecedent and he is in custody since 13.06.2016 and he undertakes that he will appear in trial Court on each and every date.

Having regard to the facts and the circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-II, Bhojpur at Ara in connection with Sahar P.S. Case No. 53 of 1996 (S.T. No. 345 of 2016). Out of two sureties, one surety must be the close relative of the petitioner, who will file an affidavit showing his relation with the petitioner



and further the petitioner shall remain present on each and every date in the trial Court. If the petitioner fails to remain present on two consecutive dates in the course of the trial without any reasonable cause being shown, the court concerned would be at liberty to take steps for cancellation of his bail bonds.

(Rajendra Kumar Mishra, J)

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