

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.516 of 2019

Arising Out of PS. Case No.-167 Year-2010 Thana- MURLIGANJ District- Madhepura

Naresh Paswan, Son of Ramji Paswan @ Sutaharu Paswan Resident of
Village – Murliganj, P.S.- Murliganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 20-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Excise Case No. 117 of 2018 arising out of Murliganj P.S. Case No.167/10 registered for the offence punishable under Sections 273, 273 of the Indian Penal Code and Section 47A of the Excise Act.

This is a case of misuse of privilege of bail.

It has been submitted on behalf of the petitioner that earlier he was granted bail by the Lower Court and trial commenced in this case and fixed for examination of prosecution witnesses. On 26.07.2018, the case filed for examination of prosecution witnesses, prosecution produced the witness no.2 but the petitioner could not appear before the court below and, thereafter, the lower court cancelled the bail of the petitioner. It has been submitted that the petitioner filed



the Hazri and was sitting before his Advocate and, in the meantime, he felt natural call and moved for the same from outside of the court. Thereafter, the petitioner surrendered on 20.08.2018 and since then he is in custody. It has also been submitted that the petitioner undertakes to never misuse the privilege of bail in future.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum- Special Judge, District, Madhepura in connection with Excise Case No. 117 of 2018 arising out of Murliganj P.S. Case No.167/10, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature



of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

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