

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14765 of 2020

Arising Out of PS. Case No.-29 Year-1996 Thana- NAUBATPUR District- Patna

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Tuntun Paswan S/o Raja Ram Paswan R/o Village- Naubatpur Bazar,
Dusadtoli, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Rina Sinha, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 28-09-2020 Heard learned counsel for the petitioner and

learned APP for the State through video conferencing.

The instant application for regular bail has been
filed by the petitioner in connection with Sessions Trial No.604
of 1998 arising out of Naubatpur P.S. Case No.29 of 1996
registered under sections 307, 341 and 323 of the Indian Penal
Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the
informant that while he and one Rupesh were returning, at the
place of occurrence, the accused persons including the petitioner
are stated to have fired as a result of which he sustained injuries
on his neck.

It is submitted by learned counsel for the petitioner
that prior to the submission of chargesheet, the petitioner had



been enlarged on bail in the case. The case was committed to the Court of Sessions on 13.5.1998. Prior to commitment of the case, although non-compoundable, but compromise had been entered into between the parties on 9.11.1996. As a result of the compromise and not being informed by the 'pairvikar', the petitioner who was out of Bihar did not have any information about his bail being cancelled. He is now in custody since 3.10.2019 and undertakes to fully cooperate in the trial and to abide by all the conditions that is laid down for his release.

A report in the case had been called for from the learned trial Court and a supplementary affidavit has also been filed on behalf of the petitioner.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and on going through the materials on record it transpires that in the F.I.R. it has been stated by the informant that he and Rupesh were coming when the petitioner and others fired upon them. In the supplementary affidavit it is stated that the informant of the case died 7-8 years ago. Further, a copy of the deposition of Rupesh has been brought on record from which it transpires that he has been declared hostile. Taking into consideration these



facts as also the petitioner being in custody since 3.10.2019 i.e for about 11 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sessions Trial No.604 of 1998 arising out of Naubatpur P.S. Case No.29 of 1996 on furnishing bail bond of Rs.10,000/ with two sureties of the like amount each to the satisfaction of the learned Assistant Sessions Judge-Ist, Danapur, Patna.

However, in view of the fact that the trial is of the year 1998 it is directed that the petitioner shall remain personally present in Court on each and every date and in case of the absence of the petitioner on two consecutive dates for reasons not to the satisfaction of the learned trial Court, his bail bond shall be cancelled and he shall be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

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