

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29072 of 2020**

Arising Out of PS. Case No.-264 Year-2015 Thana- SAKRA District- Muzaffarpur

SUMAN PASWAN S/o Late Janak Paswan Resident of Village-Narsingpur,
Nautan, P.S.-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Nachiketa Jha, Advocate

For the Opposite Party/s : Mr Uma Shankar Pd Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **22-12-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Sessions Trial No 326 of 2019 arising out of Sakra Police Station (for brevity, *PS*) Case No 264 of 2015 dated 13.08.2015 instituted for the offence punishable under Sections 341, 323, 302, 504/34 of Indian Penal



Code.

Allegation is that 7 accused persons including the petitioner have twisted the neck of the daughter-in-law of the informant and assaulted her and also tried to get away her dead body.

Petitioner's counsel submits that general and omnibus allegations have been levelled against all accused persons. The petitioner is having no criminal antecedent and the falsity of the allegation is evident from the fact that on 13.08.2015, the alleged occurrence has taken place whereas on 15.08.2015, the case was sent to the Court. Other accused persons were earlier granted anticipatory bail also. The petitioner is in custody since 19.03.2020 and his bail application was rejected by the Court below merely for the fact that earlier he had been declared an absconder.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge XIII, Muzaffarpur in Sessions Trial



No 326 of 2019 arising out of Sakra PS Case No 264 of 2015
dated 13.08.2015 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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