

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14614 of 2021**

Arising Out of PS. Case No.-452 Year-2013 Thana- NAUBATPUR District- Patna

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RAUSHAN KUMAR @ RAUSHAN PASWAN S/o Sri Mohan Paswan R/v-
Baruna, P.S.- Naubatpur, Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Ram Sevak Chaudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Sevak Chaudhary, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Naubatpur P.S. Case No.452/2013,

G.R.No.5023 of 2013 registered for the offences punishable

under Sections 302 and 34 of the Indian Penal Code and Section

27 of the Arms Act.

Learned counsel for the petitioner submits that though

the case is of the year 2013 and the petitioner is named therein,

he was not aware of his implication in this case earlier. In this

case the petitioner has been arrested and remanded in this case on 18.07.2020.

As per the prosecution story, the father of the informant was shot dead on his way. He died on the spot, the informant and his sister saw that the petitioner and other co-accused were fleeing away from the place of occurrence. The cause of occurrence is said to be a previous dispute.

Learned counsel for the petitioner submits that the postmortem shows only two fire-arm injuries on the body of the deceased. He further submits that in fact the brother of this petitioner was killed earlier for which the father of the petitioner has lodged Dhanarua P.S. Case No.367/2013 in which the brother of this informant is an accused.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. Learned APP submits that from the impugned order of the learned Sessions Judge itself it is clear that the petitioner was evading his arrest in this case. After going through the case diary, learned APP submits that warrant of arrest was issued against the petitioner on 08.01.2014. Against other co-accused warrant has been issued on 11.02.2014, but they are still absconding. It is, thus, his submission that considering the gravity of the offences alleged

and the conduct of the petitioner, the petitioner does not deserve privilege of bail at this stage.

Considering the facts and circumstances of the case, the gravity of the offence alleged and the fact that the petitioner was absconding in this case for 7 years and the other co-accused are still absconding, this Court is not inclined to release the petitioner on bail. The prayer for bail is, thus, refused.

Let the trial be expedited.

Since the petitioner is in custody for last one year, it is expected that the learned trial court shall take steps to separate the records of this petitioner and expedite the trial. The learned trial court shall keep the matter on shorter dates. The prosecution shall cooperate.

If the trial remains unconcluded for no reason attributable to the petitioner within one year from the date of communication of this order, the petitioner may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.