

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7345 of 2020**

Arising Out of PS. Case No.-47 Year-2018 Thana- PHULWARISHARIF District- Patna

Subhash Paswan Son of Late Mahendra Paswan Resident of Mohalla - Jogiya  
Tola Yarpur, P.S. and P.O. - Gardanibagh, District - Patna - 800001.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Saket Anand, Adv  
For the Opposite Party/s : Ms.Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

7      10-02-2021      Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 13.12.2018 passed in Criminal Miscellaneous No. 65811 of 2018 with a direction to the trial court to expedite the trial and conclude the same within a period of one year from the date of production/receipt of a copy of the order.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302, 201, 120(b) and 34 of the Indian Penal Code.

In compliance of the order of this Court dated 03.07.202, ADJ-IV, Patna, has send his report in which it has been stated that in "*It is humbly submitted that only two witnesses has been examined out of seven witnesses. Five witnesses still to be examined. Process issued against rest*



*witnesses and case fixed for evidence. No progress has been done after march, 2020 due to lock down. Further 9 Months be expected to conclude the trial. Therefore, it is prayed for grant of further period of 9 months to conclude the trial."*

Allegation against the petitioner is of committing murder of the deceased though he is not named in the FIR. FIR is against unknown.

It has been submitted on behalf of the petitioner that petitioner is in custody since 24.01.2018 and he has completed more than 3 years of Jail custody. Learned counsel for the petitioner further submits that charge has been framed in this case on 31.01.2019. No incriminating material has been recovered from the possession of the petitioner. It has been further submitted that as per report of the trial court out of 7 witnesses only two witnesses have been examined in this case after lapse of 4 years. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 30.04.2019 passed in Criminal Miscellaneous No. 65811 of 2018.

Considering the aforesaid facts and circumstances of the case and **period of custody**, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/-



with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Phulwarisharif P.S. Case No. 47 of 2018, GR No. 762 of 2018(Sessions Trial No. 522 of 2018)**, 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 and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(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.

**(S. Kumar, J)**

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