

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27269 of 2020

Arising Out of PS. Case No.-105 Year-2006 Thana- KHAGARIA District- Khagaria

GHANSHYAM PASWAN Son of Late Rishi Paswan Resident of Village -
Dhushmuri Bisanpur, P.S. - Khagaria, District - Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 11-01-2021 Heard learned counsel for the petitioner and Ms. Renu
Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Khagaria (Muffasil) P.S. Case No. 105 of 2006
registered for the offences punishable under Sections 328, 302/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant has lodged the present case on mere suspicion saying that
he came to know from the villagers that his son and nephew had been
given Rasagulla in which poison was mixed.

It is submitted that the allegation of giving Rasgula with
poison has been specifically made against co-accused Dharmendra
Paswan but later on it is alleged that this petitioner is also involved
in the alleged occurrence and both Dharmendra Paswan as well as
this petitioner had given the poisonous Rasagula to the son and
nephew of the informant.



Learned counsel submits that Dharmendra Paswan has been granted bail by a learned co-ordinate Bench of this Court and till date the I. O. has not been able to get the viscera report to substantiate the allegation against the petitioner.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but has confirmed that in course of investigation the I. O. has not collected the viscera report.

Earlier considering the fact that the petitioner has surrendered in this case after he was absconding, this Court had called for a report from the learned trial court as to the present stage of the trial and time likely to be taken in conclusion thereof.

A report has been received which is kept at Flag 'A'. It shows that till date charge has not been framed and the case is pending for framing of charge. The petitioner is in custody since 03.12.2019 and now for over one year the charge has not been framed, this Court has reasons to believe that the trial is not likely to be concluded in near future, co-accused has already been enlarged on bail, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of F.T.C. I, Khagaria in Sessions Case No. 379A of 2011 arising out of Khagaria Muffasil P.S. Case No. 105 of 2006, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(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'.

