

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44835 of 2019

Arising Out of PS. Case No.-263 Year-2017 Thana- PARSABAZAR District- Patna

BALLAM PASWAN Son of Jagdish Paswan Resident of Village - Sakricha,
P.S.- Parsa Bazar , Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Jyoti, Adv.

For the Opposite Party/s : Mr. Ajay Kumar 2, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 06-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated by the informant that while the dance of an orchestra party was going on in a birthday celebration, accused Subodh Paswan fired on the informant's son Awinash Kumar injuring him. He died on way to the hospital.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. The allegation is specific against coaccused Subodh Paswan and not the petitioner herein. There is only one gunshot injury on the body of the deceased which is directly attributed to the aforesaid Subodh Paswan. Petitioner is in custody since 28.6.2018 and



undertakes to cooperate in the trial.

The prayer for bail is opposed by learned A.P.P. for the State who submits that the trial has proceeded and the witnesses are being examined.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the nature of allegation and the petitioner having remained in custody for over 3 years 5 months, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 811 of 2018/76 of 2020 (arising out of Parsabazar P.S. Case no. 263 of 2017) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VIII, Patna.

It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, learned trial Court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

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(Partha Sarthy, J)

