

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40807 of 2020

Arising Out of PS. Case No.-311 Year-2019 Thana- BAKHTIYARPUR District- Patna

Lakshman Paswan @ Pukiya @ Lakshwan Paswan @ Pukki son of Late
Dawarika Paswan @ Dawarik Paswan Resident of Village- Sangatpur, P.S.-
Bakhtiyapur, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 08-04-2021 The matter is placed through video conferencing.

It appears that earlier, the bail application of petitioner was rejected by this Court, vide order 27.02.2020 passed in Cr.Misc. No. 6935 of 2020 (Annexure – 1) with following observation:

“...learned trial court is directed to expedite the trial and try to conclude it within a period of nine months. If trial is not concluded within the said period, petitioner is at liberty to renew his prayer for bail.”

Earlier, vide order dated 26.02.2021, a report was called for from the court below, which has been received and kept at flag ‘R’. On perusal of the same, it appears that charge has already been framed 03.12.2019, but till date, no prosecution witness has been examined.



It is submitted on behalf of petitioner that petitioner is in custody since 24.09.2019 and there is no progress in the trial. It is further submitted that as per paragraph – 3, petitioner is accused in some more cases, but in all the cases, he is on bail.

Considering the period of custody and the fact that even after lapse of more than one year, there is no progress in the trial and till date, not a single witness has been examined, the bail application of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Barh, District - Patna in connection with Bakhtiyarpur P.S. Case No. 311 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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