

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2613 of 2021**

Arising Out of PS. Case No.-29 Year-2013 Thana- CHANAN District- Lakhisarai

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GAINORA PASWAN @ GENDA PASWAN, Son of SURESH PASWAN,
Resident of Village - Khagaur, Police Station - Kiul, District - Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

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

6 11-08-2021 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. Nand Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Session Trial No. 68 of 2020 arising out of Chanan P.S. Case No. 29 of 2013 registered for the offence punishable under Section 395 of the Indian Penal Code and later on Section 412 of the Indian Penal Code was added.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in this case in the confessional statement of the co-accused. He is innocent and has

been falsely implicated. There is no recovery from his possession.

Learned counsel submits that the petitioner could not surrender in this case earlier because he was working as a labourer in another State.

It is further submitted that the co-accused Sanjeet Bind has been granted bail in this case vide Cr. Misc. No. 20572 of 2014 and another co-accused Manju Devi has been granted bail in Cr. Misc. No. 33110 of 2013.

On the other hand, Mr. Nand Kumar, learned A.P.P. for the State submits that it is a case of Bank dacoity in which the miscreants looted away a sum of Rs. 13,51,490/-. In course of investigation one Ranjit Bind was apprehended who confessed his guilt and a sum of Rs. 1,10,000/- given by him to his mother was recovered from his house.

Learned A.P.P. further informed this Court that the petitioner was absconding in this case and has surrendered only on 12.03.2020.

Considering the facts and circumstances of the case, the gravity of the offences alleged as also the report of the learned trial court as contained in letter no. 68/2021, this Court is of the considered opinion that if the trial of the case is not

concluded within the stated period of nine months from the date of start of physical functioning of the Court, for no reason attributable to the petitioner, he shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge, Lakhisarai in connection with Session Trial No. 68 of 2020 arising out of Chanan P.S. Case No. 29 of 2013, 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 his 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.

The report of the trial court stating that the trial would be concluded within nine months, and further considering that the two co-accused have been granted bail by learned co-ordinate Benches of this Court, this Court directs that if the trial is not concluded within nine months, the Public Prosecutor must cooperate by producing the witnesses on the date fixed in the matter.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.