

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72072 of 2019

Arising Out of PS. Case No.-286 Year-2018 Thana- UJIYARPUR District- Samastipur

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RAM BABU PASWAN Son of Late Mahavir Paswan Resident of Village-
Jitwarpur Kanhaiya Chowk, P.S.- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 26-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Ujiyarpur P.S. Case No. 286 of 2018 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the F.I.R., the informant got information in the morning that his son who was sleeping near the temple was found injured and blood was oozing out of his mouth. He was taken for treatment but died soon thereafter.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. Admittedly, there is no eye witness to the occurrence. The petitioner was



falsely implicated in the case on the ground that he was having an extra-marital affair with the wife of the deceased. It is submitted that the allegations against the petitioner are purely circumstantial in nature with no basis for the suspicion raised. The petitioner is in custody since 9.2.2019. Although the trial in the case has proceeded, it is submitted that there is no chance of the trial coming to an end in the near future because of Covid-19 pandemic as also the Court where the trial is proceeding being vacant. The petitioner undertakes to abide by the conditions laid down by this Court for his release on bail.

The application for bail is opposed by learned A.P.P. for the State.

As per the report with respect to the Stage of trial received as contained in letter dated 3.4.2021, eight witnesses remain to be examined. They could not be examined because of Covid-19 pandemic and the Court being vacant since 31.12.2020.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for 2 years 5 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection



with Sessions Trial No.368 of 2019 (arising out of Ujiyarpur P.S. Case no. 286 of 2018) 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 & Sessions Judge, In-charge District and Sessions Judge, Dalsinghsarai, Samastipur.

It is further directed that the petitioner shall remain personally/physical present in Court on each date of the trial and in case of his absence on any date for reasons not to the satisfaction of the learned trial Court, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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