

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30156 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- NAYAGAON District- Begusarai

Diwakar Paswan Son Of Praveen Paswan Resident Of Village- Kasimpur, P.S.
Nayagaon, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-04-2022 Registry has pointed out several defects in the
present application.

Learned counsel for the petitioner undertakes to
remove the defects within two weeks.

In view of the undertaking given by the petitioner,
the matter has been taken up for consideration.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with
Nayagaon P.S. Case No.1 of 2020 registered *inter alia* under
Section 302 read with 34 of the Indian Penal Code and Section
27 of the Arms Act.

The prayer for bail of the petitioner was earlier
rejected by this Court vide order dated 07.10.2020 passed in Cr.



Misc. No.21969 of 2020.

It is submitted by the learned counsel for the petitioner that while rejecting the prayer of bail of the petitioner earlier on 07.10.2020, this Court had taken into account the fact that it was Balmiki Yadav, who is the assailant of the deceased. Said Balmiki Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.02.2022 passed in Cri Misc. No.40266 of 2022. It is further submitted that the case of the petitioner stands on better footing to that of Balmiki Yadav. It is also contended that by now the petitioner has remained in custody for more than two years and till date there is no progress in the trial.

Learned Additional Public Prosecutor for the State has opposed the prayer for grant of bail to the petitioner. However, he does not dispute the submission made on behalf of the petitioner that co-accused Balmiki Yadav has already been granted bail.

Considering submissions made above, specially the fact that Balmiki Yadav has already been granted bail by a co-ordinate Bench of this Court and there is no progress in the trial, the petitioner is directed to 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 Judicial Magistrate,
Ist Class, Begusarai in connection with Nayagaon P.S. Case
No.1 of 2020.

(Ashwani Kumar Singh, J)

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