

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24775 of 2022

Arising Out of PS. Case No.-98 Year-2019 Thana- LAUKAHA District- Madhubani

Kapil Paswan S/o Late Uttim Lal Paswan Resident of Village- Madhopur,
P.S.- Laukaha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Shubham, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 302, 323, 324
and 504 of the Indian Penal Code.

According to prosecution case, there is specific
allegation against the petitioner that he as well as others
assaulted the deceased by means of iron rod and the postmortem
report of deceased corroborates the aforesaid allegation.

Learned counsel for the petitioner submits that earlier
the regular bail application of the petitioner was rejected vide
order dated 19.03.2020 passed in Cr. Misc. No. 87344 of 2019.



Thereafter, the petitioner again moved before this Hon'ble Court for grant of regular bail in Cr. Misc. No. 59621 of 2021 which was permitted to withdrawn by order dated 08.02.2022.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of assault against the petitioner and there is general and omnibus allegation against all the accused persons. He further submits that similarly situated co-accused person namely, Bihari Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 06.12.2021 passed in Cr. Misc. No. 36069 of 2021, another co-accused person namely Domi Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 25.11.2019 passed in Cr. Misc. No. 73865 of 2019, another co-accused person namely Kanhaiya Paswan @ Kanhaiya Kumar Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 20.02.2021 passed in Cr. Misc. No. 32610 of 2020. The petitioner is in custody since 24.04.2019.

Vide order dated 18.05.2022, a report was called for with regard to the present stage of trial. Report reveals that charge has been framed against the petitioner and other co-



accused persons on 21.07.2022 and the case is pending for prosecution evidence.

Learned counsel for the petitioner submits that in view of the report it appears that the trial is not likely to be concluded in near future and the co-accused persons have been granted bail.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Laukaha P.S. Case No. 98 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court 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.

3. 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.

(Rajesh Kumar Verma, J)

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