

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36872 of 2021**

Arising Out of PS. Case No.-392 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RAJ KUMAR PASWAN S/O MANVA PASWAN @ MUNNA PASWAN R/o
village- Pakhanaha Sriram, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 03-02-2022 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 363, 365 and
506 of the Indian Penal Code to which sections 302, 201 and 34
of the Indian Penal Code were added subsequently.

As per the prosecution case, the father of the
informant was kidnapped. In course of investigation, the mobile
phone of the informant's father was recovered from the accused
Niranjan Kumar who confessed his guilt and also stated about
the involvement of this petitioner with him in the crime.

It is submitted by learned counsel for the petitioner
that the earlier application for bail of the petitioner was rejected



vide order dated 23.11.2020 (Annexure-1) passed in Cr. Misc. no.76060 of 2019. On merits, it is submitted that there is no material against this petitioner except the statement of co-accused made before police. The petitioner is in custody since 20.5.2019. There is no progress in the learned trial court and not a single witness has been examined on behalf of the prosecution. The petitioner undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

As per the report received from the learned Additional Sessions Judge II, Muzaffarpur contained in letter dated 21.1.2022, charges have been framed in the case on 2.5.2020, however no witness has been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner having remained in custody for 2 years 8 months and no witness having been examined on behalf of the prosecution in the learned trial court, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.621 of 2019 (arising out of Town P.S. Case no.392 of 2019) 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



5th Additional Sessions Judge, Muzaffarpur.

It is directed that the petitioner shall be properly represented on each date of the trial and shall cooperate in the trial. In case, the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, 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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