

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36799 of 2022

Arising Out of PS. Case No.-80 Year-2018 Thana- NAUBATPUR District- Patna

MAHENDRA PASWAN Son of Bhuneshwar Paswan Resident of Village-
Aropur Anantpur, P.s.- Naubatpur District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 304(B)/34 of the IPC.

Earlier, the prayer for bail of this petitioner was rejected vide order dated 14.12.2020 passed in Cr. Misc. No.28623 of 2020 by this Court with a direction to the court below to expedite the trial.

The petitioner has now filed this application for bail. Vide order dated 03.08.2022, a report regarding stage of trial was



called for.

In compliance thereof, a report kept at Flag 'A' dated 11.08.2022 has been sent by learned I/C A.D.J.-3rd, Civil Court, Danapur, whereby it is stated that after framing of charges, summons were issued against the prosecution witnesses on 03.06.2022 but none appeared. Thereafterailable warrants were issued against private witnesses.

Learned counsel for the petitioner submits that as of now, the petitioner has remained in custody for more than four years.

Considering the custody of petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Naubatpur P.S. Case No.80 of 2018, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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