

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44887 of 2022

Arising Out of PS. Case No.-133 Year-2020 Thana- BENIPATTI District- Madhubani

SAROJ PASWAN @ SAROJ KUMAR PASWAN Son of Prem Paswan
Resident of Village - Lorika, P.S.- Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Rama Kant Sharma, Sr. Advocate Lakshmi Kant Sharma, Advocate
For the Opposite Party/s	:	Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-11-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 302, 366 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the allegation in the FIR, the six named accused persons including the petitioner herein who was armed with *Barchi* are said to have assaulted the brother of the informant leading to his death.

It is submitted by learned senior counsel appearing for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 3.8.2021 (Annexure-1) passed in Cr. Misc. no. 12493 of 2021. It is submitted that the allegations in the FIR are general and omnibus in nature. In spite of the



petitioner having remained in custody since 13.6.2020, the trial is still continuing and there is no chance of the same concluding in the near future as there are a total of nine witnesses mentioned in the chargesheet. The petitioner undertakes to cooperate in the trial.

Heard learned APP for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 10.10.2022 of the Addl. Sessions Judge IX, Madhubani, two witnesses have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR together with the petitioner having remained in custody since 10.10.2020 and there being general and omnibus allegation against six accused persons of having assaulted with Barchhi, Lathi, Danda, Bhala together with the contents of the postmortem report, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 108 of 2020 (arising out of Benipatti P.S. Case no. 133 of 2020) 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 Sessions Judge IX, Madhubani on the following



conditions:-

(I) The petitioner shall remain physically present in court on each date of the trial and shall cooperate in the trial.

(II) One of the bailors of the petitioner shall be his father / close relative.

(Partha Sarthy, J)

Spd/-

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