

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62992 of 2021**

Arising Out of PS. Case No.-178 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

BHUSHAN PASWAN Son of Maulu Paswan @ Chandra Mauli Paswan R/o
village Lakho, Ward No. 8, P.S. - Mufassil (Lakho), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate
For the State	:	Mr. Umeshanand Pandit, APP
For the Informant	:	Mr. Yogesh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-02-2022 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 section 307 and other
sections of the Indian Penal Code to which section 302 of the
Indian Penal Code was added subsequently.

Allegation against the petitioner is of having given a
khanti blow along with co-accused Banti Paswan who gave
blow with an iron rod as a result of which the informant fell
down injured.

The informant died in course of treatment about
twenty days later on 18.4.2020 and section 302 of the Indian
Penal Code was added.



It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order 21.6.2021(Annexure-1) passed in Cr. Misc. No. 5224 of 2021. In spite of the petitioner being in custody since 8.6.2020, there is no progress whatsoever in the learned trial court and as per instructions received the case has not even been committed. The petitioner undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is the main assailant of the deceased.

A report was called for from the learned trial court. As per the report received contained in letter dated 26.11.2021 from the Judicial Magistrate 1st Class, Begusarai, the case was at the stage of supply of police papers as well as commitment of case record.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the petitioner having remained in custody for 1 years 7 months together with the contents of the report with respect to the stage of trial received from the learned trial court, the petitioner is directed to be enlarged on bail in connection with



Begusarai (Muffasil) P.S. Case no. 178 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 Judicial Magistrate 1st Class, Begusarai.

It is directed that the petitioner shall cooperate in the trial in the learned trial Court and 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)

Spd/-

U		T	
---	--	---	--

