

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54828 of 2022

Arising Out of PS. Case No.-10 Year-1996 Thana- GHOSWARI District- Patna

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1. Sitaram Paswan S/O Late Gokhul Paswan R/O village Kharan, P.S- Ghoswari, District- Patna
 2. Arun Paswan S/O Ramprit Paswan R/O village Kharan, P.S- Ghoswari, District- Patna
 3. Dhuran Paswan @ Dhuri Paswan S/O Gurucharan Paswan R/O village Kharan, P.S- Ghoswari, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Raj Kishor Prasad, learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Ghoswari P. S. Case No. 10 of 1996 giving rise to Sessions Trial No. 1211 of 1996 registered for the offences punishable under Sections 147, 148, 448, 307, 504 and 384 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel appearing on behalf of the petitioners submitted that though, the petitioners had already



been granted bail by the learned court below itself vide order dated 25.03.1996 and they were continuously appearing in the court below, however, in the year 2014 on account of earning livelihood, they left the village and in the meantime, the *parvikar* of the case could not file appearance of their behalf, due to which their bail bonds have stood cancelled on 06.09.2014. It is further submitted that surprisingly, other co-accused persons, whose bail bonds were also cancelled, they have been allowed the privilege of bail by the learned court below itself. But so far the petitioners are concerned, their prayer for bail has been rejected. It is next submitted that the petitioners are rustic villagers, they were not acquainted to the nuances of law, however, they themselves surrendered on 26.07.2022 and since then they are in custody. It is last submitted that the petitioners have already given undertaking that they will fully cooperate in the trial till its conclusion.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the undertaking given by the petitioners, who are having no criminal antecedent, let the petitioners, above named, be released on bail on



furnishing bail bonds of Rs. 5,000/- (Rupees five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- 1st Barh, Patna in connection with Ghoswari P. S. Case No. 10 of 1996 giving rise to Sessions Trial No. 1211 of 1996, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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