

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66030 of 2021**

Arising Out of PS. Case No.-215 Year-2012 Thana- BAKHTIYARPUR District- Patna

Laxaman Paswan Son of Dwarika Paswan Resident of Village- Naya Tola
Sangatpar, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmod Kumar, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 19-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bakhtiyarpur P.S. Case No. 215 of 2012 registered for the
offence under Section 307 of the Indian Penal Code and 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.02.2020.

The allegation against the petitioner is to misuse the
privilege of bail, and for the same reason his bail bond was
cancelled by the learned Trial Court on 13.03.2018, whereafter
petitioner was arrested after three (3) years and since then he is



in custody.

Learned counsel appearing on behalf of the petitioner submitted that present is the first misuse of bail by the petitioner, which is neither intentional nor deliberate, as he was out of state in connection with his livelihood and for the same reason he was absent on the date of hearing. It is submitted that present is the first misuse of the petitioner and he undertakes to be remain present on each and every date of hearing as of now. It is further submitted that since last one year, the matter is pending for examination of remaining witnesses, despite all best efforts by learned Trial Court and, as such, petitioner cannot be remained behind the bar for indefinite period.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that it is a case of misuse of privilege of bail.

In view of the facts and circumstances as mentioned above, as present is the first misuse of bail by the petitioner, where he is in custody since 03.02.2020 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bakhtiyarpur P.S. Case No. 215 of 2012 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



District & Sessions Judge-IV, Barh/concerned court, subject to
the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be physically
present on each and every date before the
Trial Court till conclusion of the trial and
exemption from physical appearance be
allowed by the Trial Court, only on medical
ground of the petitioner duly supported by
the documents.

(ii) That one of the bailors shall be
deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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