

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.247 of 2022**

Arising Out of PS. Case No.-221 Year-2019 Thana- DESARI District- Vaishali

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LAL BABU PASWAN @ LALU PASWAN @ BABU PASWAN S/o Ishwar  
Paswan @ Rameshwar Paswan R/o Village- Pohiyar Bujurg P.O.- Pohiyar,  
P.S.- Deshari (Sahdai Bujurg O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Manindra Kishore Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      09-03-2022                      Heard Mr. Manindra Kishore Singh, learned counsel  
for the petitioner and Mr. Madhuranand Jha, learned counsel  
appearing for the State.

Petitioner renews his prayer for bail in connection  
with Desari P.S. Case No. 221 of 2019 registered for the offence  
under Section 304 (B), 201 / 34 of the I.P.C. inasmuch as earlier  
the bail application of the petitioner was rejected by this Court  
by order dated 26 / 11 / 2020 passed in Cr. Misc. No. 24146 of  
2020 with liberty to the petitioner to renew his prayer for bail  
after one year if the trial does not show any progress.

This is a case of dowry death.

Learned counsel for the petitioner submits the bail



application of the petitioner was rejected on merit vide order dated 26 / 11 / 2020 and the petitioner is in custody since 6 / 7 / 2019 i.e. for about 02 years 9 months. He further submits that trial has now begun and out of four witnesses, one has been examined. He next submits that there is no likelihood that the petitioner will abscond or tamper with the evidence if released on bail by this court.

This court vide its order dated 02 / 02 / 2022 has called for a report regarding the present stage of the trial and in pursuance thereof the report has been furnished by learned A.D.J.-V, Vaishali at Hajipur vide letter no. 12 dated 9<sup>th</sup> January 2022 and from perusal of the same it appears that out of four charge- sheet witnesses, only one witness has been examined by the prosecution.

Regard being had to the submissions made by the parties, taking into consideration the period of custody i.e. 02 years 9 months, the fact that only one witness out of four has been examined and this is 2<sup>nd</sup> attempt for grant of bail, as such, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to



the satisfaction of learned Additional Chief Judicial Magistrate,  
IV, Vaishali at Hajipur in connection with Desari P.S. Case No.  
221 of 2019 on the following condition:-

(a) that the petitioner shall remain present  
on each and every date during the course of trial and  
in case of default on two consecutive dates on the  
part of the petitioner, his bail bond shall liable to be  
cancelled.

**(Anil Kumar Sinha, J)**

praful/-

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