

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16579 of 2023

Arising Out of PS. Case No.-257 Year-2015 Thana- CHARPOKHARI District- Bhojpur

DASHRATH PASWAN Son of Late Sheo Bacchan Ram R/V- Bardiha, P.S-
Charpokhari, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-07-2023 Heard the parties.

The petitioner is in custody in connection with S.Tr.
No. 239 of 2021 arising out of Charpokhari P.S. Case No. 257 of
2015 for the offence under Sections 364, 302, 201, 120B and 34
of the Indian Penal Code lodged on 17.09.2015 by the
informant, Dular Devi.

As per the allegation, one of the co-accused came to
the resident of the informant and told her husband that the water
has now come in the canal and so its time to irrigate the field. It
is alleged that thereafter the informant's husband (since
deceased) went with the said Kamta Mushar. However, when he
failed to return, the said Kamta Mushar was interrogated and he
disclosed that the petitioner herein along with 4-5 miscreants
had come to the field and they took away her husband. The dead
body of the informant's husband was later recovered from a well



with slitted neck. Accordingly, the FIR was lodged against the named accused persons.

Earlier a report was called for on 15.03.2023 which was received on 06.04.2023 as per the office report.

This Court fails to understand that when the report was received on 06.04.2023, why the same was sent to the Bench on 04.07.2023.

Office to report the reason for sending the file to the bench after three months.

As per the report dated 20.03.2023, the prosecution has failed to produce any witness.

Considering the aforesaid facts/report as also that the petitioner is in custody since 20.05.2021 (as stated in paragraph 15 of the petition) and it is a case of last seen, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.D.J. VIIth, Bhojpur at Ara, in connection with S.Tr. No. 239 of 2021 arising out of Charpokhari P.S. Case No. 257 of 2015 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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