

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12338 of 2023

Arising Out of PS. Case No.-53 Year-2021 Thana- RUDRAPUR District- Madhubani

AMERENDRA PASWAN Son of Bhikhari Paswan R/V- Belmohan P.S-
Phulparas Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The case is registered under Section 324, 307, 458,
382, 511 & 34 of the Indian Penal Code and 25(1- b), 26, 26
Arms Act in connection with Rudrapur P.S. Case No.53/2021
(G.R. No.824/2021).

The allegation in the FIR is that in the night of
15.05.2021, as there was shout of presence of thief in the
village, the informant along with other villagers also tried to
chase the accused who however, opened fire hitting in his
stomach and leg, as a result whereof he was injured. Meanwhile,
the other villagers were able to caught hold of the accused
person who happened to be the petitioner herein.

Earlier the petitioner had moved before this Court
vide Cr. Misc. No.65561 of 2021 which was rejected on



01.08.2022.

Taking into account the period of custody (27.05.2021), as stated in para-14 of the bail application as also the fact that ultimately he has to face the Trial, this Court is inclined to grant him privilege of bail with conditions. Considering the fact that he has eight criminal cases under his belt.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Rudrapur P.S. Case No.53 of 2021 (G.R. No.824/2021) to the satisfaction of learned A.C.J.M., Ist, Jhanyharpur, subject to 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 month to mark his attendance till the



conclusion of the trial;

(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 his 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 the bail bonds;

Having disposed of the bail application, this Court would like to point out an anomaly in any bail application.

In the bail applications, it has often been found that there is no set rule as to on which para the statement on the point as to since when the accused is in custody has to be made. Sometimes, it is in the paragraph-1, in others, it is at the fag end of the petition while in many other petitions, it can be seen anywhere either at paragraphs-7 or 9 or 11 and the Court and/or even the lawyers(s) find it difficult to check the period of custody at the time of argument. In the present petition, it was incorporated at para-14 of the bail application and it took sometime for both the Court as well as the lawyer to find out the same.

As such, it would be proper that a specific paragraph



is dedicated in the bail petition regarding the custody of the accused and if the number of accuseds are more and the period of custody of accused person(s) is/are also different; the roman numbers can be used in the said paragraph.

In the opinion of this Court, paragraph-4 of the petition can be dedicated for the said purpose.

However, it is for the three associations to decide as to which para they want to dedicate.

As such, the opinion of this Court is being forwarded to the **President/Secretary** of the three associations namely the **Advocate Association**, the **Bar Association** as well as the **Lawyers Association** of the Patna High Court so that they can jointly take a decision(s) and dedicate a paragraph for the said purpose showing the custody of the accused so that an uniformity is maintained in each and every bail petition filed henceforth which will be beneficial both for the lawyer as well as the Court.

Let a copy of the present order be sent to all the three associations named above for the needful.

(Rajiv Roy, J)

Prakash Narayan /-

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