

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8262 of 2023

Arising Out of PS. Case No.-452 Year-2013 Thana- NAUBATPUR District- Patna

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Raushan Kumar @ Raushan Paswan, Son of Sri Mohan Paswan, Resident of
Village - Baruna, P.S.- Naubatpur, District – Patna. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Atul Shankar, Advocate
For the Opposite Party : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. By filing this application, the petitioner has renewed his prayer for regular bail in connection with Session Trial No. 275 of 2021 arising out of Naubatpur P.S. Case No. 452 of 2013 for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act. He has no criminal antecedent. He is in custody since 18.07.2020.

3. As per the prosecution story, the father of the informant was shot dead on his way. He died on the spot, the informant and his sister claimed that they saw that the petitioner and other co-accused were fleeing away from the place of occurrence.

4. Earlier, the prayer for regular bail of the petitioner was rejected by this Court vide order dated 09.09.2021 passed in Cr. Misc. No. 14614 of 2021.



5. This Court had earlier rejected the prayer for regular bail mainly on the ground that the petitioner was absconding and he was taken into custody only after seven years which had delayed the trial. This Court while rejecting the prayer for bail observed that if the trial remains unconcluded for no reason attributable to the petitioner within one year from the date of communication of the order, the petitioner may renew his prayer for bail.

6. Learned counsel for the petitioner submits that the trial has yet not been concluded even after lapse of more than two years. During this period, seven prosecution witnesses have been examined and none of them has supported the prosecution case. The informant of the case and his sister both have become hostile and they have not supported the prosecution case.

7. Mr. Raj Ballabh Singh, learned APP for the State has though opposed the prayer for bail of the petitioner but considering the materials placed before this Court and the period of custody as also the observation of this Court in its order dated 09.09.2021 passed in Cr. Misc. No. 14614 of 2021, this Court directs that the petitioner above named shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge III, Danapur in



connection with Session Trial No. 275 of 2021 arising out of Naubatpur P.S. Case No. 452 of 2013, subject to the condition as laid down under Section 437(3) Cr.P.C.

8. And further condition that he would attend the trial on each and every date fixed by the learned trial court. Two consecutive defaults in putting appearance without there being any cogent reason shall invite action towards cancellation of bail bond.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. Let the certified copy of the depositions of the witnesses be kept on the record.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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