

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12625 of 2023**

Arising Out of PS. Case No.-8 Year-2020 Thana- KHANPURA District- Samastipur

MANOJ PASWAN Son of Mr. Ram Sagar Paswan R/v- Bhore Jairam, P.S.-  
Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                |
|----------------------------|---|--------------------------------|
| For the Petitioner/s       | : | Mrs. Vaishnavi Singh, Advocate |
|                            |   | Mr. Pravin Kumar, Advocate     |
| For the Opposite Party/s : |   | Mr. Nirmala Kumari, APP        |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      26-06-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
04.02.2020 in connection with Sessions Trial No. 213 of 2021  
arising out of Khanpur P.S. Case No. 8 of 2020, F.I.R. dated  
03.02.2020 for the offences punishable under Sections 364,  
120(B) of the Indian Penal Code and later on Sections 302, 201  
of the Indian Penal Code were added.

According to prosecution case, as per F.I.R., there is  
allegation of kidnapping and committing murder of deceased  
against the petitioner and other co-accused and on the basis of  
their confession, fully decomposed dead body of deceased was  
recovered from the river side and so no external injury was



found on the dead body during the postmortem examination.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion and self confessional statement of the petitioner. He further submits that after recovery of dead body of the deceased, the statement of the petitioner was recorded and the police after investigation submitted two charge sheet i.e. Charge Sheet No.91 of 2020 dated 29.04.2020 and Charge sheet No.29 of 2021 dated 25.02.2021. He further submits that the petitioner and the petitioner is in judicial custody since 04.02.2020.

Vide order dated 16.05.2023 a report was called for with regard to the present stage of trial. Report dated 22.05.2023 of the learned trial court reveals that out of nine charge sheet witnesses, only two witnesses have been examined by the prosecution and rest seven prosecution witnesses are yet to be examined in this case.

Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and the petitioner is in custody since 04.02.2020.

Considering the aforesaid facts and circumstances,



petitioner has clean antecedent and in view of the report of the learned trial court that till date out of nine charge sheet witnesses only two witnesses have been examined by the prosecution till date and petitioner is in custody since 04.02.2020, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IX, Samastipur in connection with Sessions Trial No. 213 of 2021 arising out of Khanpur P.S. Case No. 8 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 step 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.

**(Rajesh Kumar Verma, J)**

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

