

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20083 of 2023

Arising Out of PS. Case No.-225 Year-1998 Thana- PHULPARAS District- Madhubani

UMA PASWAN Son of Late Nageshwar Paswan R/v- Belmohan, P.S.-
Phulparas, District- 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 : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Phulparas P.S. Case No.225 of 1998 instituted under Sections 147, 148, 149, 323, 452, 325, 506, 427 and 302 of the IPC lodged on 26.12.1998 by the informant Dukhi Mandal.

An FIR was lodged in 1998 alleging that co-accused Hira Paswan went to the house of Sita Devi and when she protested the accused persons came and assaulted Rameshwar Mandal causing his death. The other injured persons were treated at Phulparas Referral hospital.

The petitioner was one of the co-accused who was granted bail in Cr. Misc. No.16194 of 2003 on 28.10.2003, however seven years later he jumped the bail after which the bail bond was cancelled on 28.04.2010. He finally came into



judicial custody 12 years later on 12.10.2022 and the alibi is that his pairvikar did not inform him as he was away in Punjab for his livelihood. He undertake to diligently appeared in trial and has cited his old age (67 years).

Learned APP opposes the prayer for bail stating that he disappeared at the time of framing of the charges and the Section is 302 of the IPC.

Though there has been inordinate delay in conclusion of the trial solely on due to the petitioner, taking into account that he has remained in custody since October 2022 and undertakes to diligently appear in trial, this Court is inclined to extend him privilege of bail with conditions.

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 Phulparas P.S. Case No.225 of 1998 to the satisfaction of learned Additional District and Sessions Judge, IIIrd, Jhanjharpur, Madhubani, 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 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 till conclusion of the trial to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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