

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32325 of 2023

Arising Out of PS. Case No.-43 Year-2000 Thana- GOH District- Aurangabad

Bindeshwar Paswan @ Bindeshwari Paswan @ Dubey Ji @ Dubey Paswan
Son Of Jamuna Paswan Village Paharpura, P.S. Goh, Distt Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-06-2023 Heard the parties.

The petitioner is in custody since 3.4.2021 in connection with Goh P.S. Case No. 43 of 2000 for the offence punishable under Sections 341, 324, 307, 34 of the I.P.C. and section 27 of the Arms Act lodged on 31.8.2000 by the informant Upendra Sharma.

The prosecution story, in brief, is that the informant Upendra Sharma has alleged that while he was returning after a natural call and stayed near the house of Lal JiwanYadav where Ram Jiwan Yadav showed High Court's paper regarding land dispute. In the meantime, Bashishth Passant, Moti Paswan and Dubey Jee came there with pistol and started abusing. Having seen the situation, the informant



tried to flee away but allegation is that Bashishth Paswan and Moti Paswan fired upon him with the intention to kill him which hit on the thigh, chest and back of the informant. Meanwhile, about 10 to 19 unknown persons armed variously reached there and one of them namely Tileshwar Paswan assaulted him with 'Katta' on his back and waist. Accordingly, the FIR.

Learned counsel for the petitioner submits that pursuant to the bail earlier granted he was diligently appearing in the trial but defaulted in 2019 which led to cancellation of his bail bonds. He is in custody since 3.4.2021 (as stated in para-14 of the bail application) although he concedes that he came into judicial custody pursuant to Rafiganj P.S. Case No. 316 of 2020.

Learned APP on the other hand submits that as he failed to appear in trial, the trial was hampered. He was subsequently arrested in different case and as such considering his attitude, he may not be granted the privilege of bail.

Considering aforesaid facts that it is the case of misuse of bail, has remained in custody from 3.4.2021, this Court is inclined to extend him the privilege of bail with



strict 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 Additional Sessions Judge-XII, Aurangabad (Bihar), in connection with Goh P.S. Case No. 43 of 2000 (S. Tr. No. 62/2020 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 bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so even a single date 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 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 bail application is allowed.

(Rajiv Roy, J)

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