

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29374 of 2022**

Arising Out of PS. Case No.-61 Year-2008 Thana- SHERGHATI District- Gaya

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Binay Paswan @ Vinay Paswan S/O Late Pakshya Paswan R/O Village-
Jaipur, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar
For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 13-03-2023 Heard learned counsel for the petitioner and

learned A.P.P for the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under Section

395 of the Indian Penal Code.

The prosecution case as per F.I.R is that on

02.03.2008 at about 11:30 P.M, 10-12 unknown

miscreants including one Kamlesh allegedly entered into

the house of the informant and looted ornaments from

the family members of the informant along with other



articles and cash of Rs. 5000/-.

It is submitted by learned counsel for the petitioner that petitioner is not named in the F.I.R and his name subsequently sprang up on the confessional statement of co-accused Kamlesh. The petitioner was all along on bail in connection with the present case but due to default, his bail bond was cancelled on 13.01.2014. However, the default of the petitioner was not intentional but due to some unavoidable reason as the petitioner had been in judicial custody since 13.08.2018 to 18.11.2021 in connection with Sessions Trial No. 255 of 2018 pending in the Court of Additional Sessions Judge, Giridih and as such the petitioner could not appear earlier in this case.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that bail bonds of the petitioner was cancelled on 13.01.2014 and N.B.W was issued against him. The processes under Sections 82 and 83



Cr.P.C also issued against him. The petitioner did not appear before the Trial Court due to which the trial got hampered.

Considering the fact that petitioner has misused the privilege of bail, this Court is not inclined to grant privilege of bail to the petitioner. The prayer for bail of the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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