

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42624 of 2021

Arising Out of PS. Case No.-92 Year-2020 Thana- CHUTIA SAHAYAK District- Rohtas

ANIL PASWAN Son of Late Nathuni Paswan Resident of Village-
Karamdiha, P.S.- Nauhatta, Dist- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

9 16-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Chutia
P.S. Case No. 92 of 2020 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

As per prosecution case, informant made allegation
that co-accused Arun Mahto and others committed the murder
of informant's husband on account of land dispute.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
surfaced upon his self confessional statement. Except self
confessional statement of petitioner, there is no cogent evidence



to connect the present petitioner with the alleged occurrence. He further submits that no incriminating article such as weapon of offence or any other article has been recovered which demonstrates the culpability of the present petitioner with the alleged occurrence. Moreover, there is no eye witness of the alleged occurrence and the present case based on circumstantial evidence. Co-accused Hari Nath Paswan @ Hari Nath Kumar @ Buchun has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 34790 of 2021 and the case of present petitioner stands more or less on similar footing. Moreover, petitioner is in custody since 19.12.2020 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner by referring that clothes of co-accused as well as petitioner and other material have been recovered on the disclosure of the present petitioner.

Report was called for regarding present stage of trial and the concerned court vide letter no. 104 dated 01.10.2022 has sent progress report of trial which indicates that only four witnesses have been examined out of ten charge sheet



witnesses and the aforesaid report also indicates that delay of trial is not attributable to the present petitioner rather the prosecution has to explain as to why trial has been delayed.

Considering the facts and circumstances of the case, period of custody which is more than two years, keeping in view clean antecedent of petitioner, co-accused Hari Nath Paswan @ Hari Nath Kumar @ Buchun has already been granted bail by the co-ordinate Bench of this court, delay of trial is not attributable to the present petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Dehri, Rohtas at Sasaram in connection with Chutia P.S. Case No. 92 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without



appropriate permission of trial court, his bail bond shall be cancelled by the trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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