

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51040 of 2023

Arising Out of PS. Case No.-70 Year-2019 Thana- KHAGAUL District- Patna

SURENDRA PASWAN SON OF LATE GORAKH PASWAN RESIDENT
OF VILLAGE- BIHTA, PS- SALIMPUR, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Khagaul P.S. Case No. 70 of 2019 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, the informant alleged that his son Rajan Kumar was living at the house of his brother-in-law (sala), Bharat Paswan, in his in-law's house. On 16.03.2019, informant's son came out from the house of informant's brother-in-law on Scooty and about 10.30 P.M. the informant got information that his son was shot dead.

4. Learned counsel for the petitioner submits that petitioner is in custody since 21.05.2021 and bears criminal



antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that on 27.09.2022 the bail of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 21129 of 2022 with an observation that if the trial is not concluded within six months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail. He further submits that the present bail petition of the petitioner has been filed after eleven months from the date of earlier rejection of bail prayer of the petitioner. He further submits that on 25.03.2023 charge has been framed against the petitioner and not a single witness has been examined in the said case. He further submits that delay of trial is not attributable to the present petitioner as he is in custody since 21.05.2021.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been called for vide order dated 16.08.2023. The trial court vide letter no. 233/2023 has sent its report which reveals that charge has been



framed on 25.03.2023. It further reveals that not a single witness has been examined. The aforesaid report further reveals that the delay of trial is not attributable to the present petitioner as he is in custody since 21.05.2021.

7. Considering the facts and circumstances of the case, period of custody, trial is not concluded within six months and delay of trial is not attributable to the petitioner, argument advanced on behalf of the 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 Session Judge, Danapur, Patna in connection with Khagaul P.S. Case No. 70 of 2019, 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 all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned 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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