

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47767 of 2023

Arising Out of PS. Case No.-166 Year-2021 Thana- MOKAMAH District- Patna

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SUJIT PASWAN SON OF ASHOK PASWAN R/O VILLAGE-
KANHAIPUR, P.S.- MOKAMA, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjana, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mokama P.S. Case No. 166 of 2021 registered for the offence
under Sections 302, 201, 120(B)/34 of the Indian Penal
Code.

The petitioner along with his family members are
alleged to have committed murder of daughter and grant
children of the informant and thrown their dead body in the
Ganga river.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the petitioner happens to be husband of the deceased and he has not assaulted the deceased in any manner. Moreover, co-accused, Kiran Devi, Ashok Paswan and Chhotu Paswan @ Chhotu Kumar having more or less similar allegation have already been granted bail by different co-ordinate Benches of this Court vide order dated 12.07.2022, 12.09.2022 and 18.05.2023 passed in Cr. Misc. No. 58920 of 2021, Cr. Misc. No. 11193 of 2022 and Cr. Misc. No. 12305 of 2023 respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.07.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 30.08.2023 which has been received and forms part of this application at Flag-X. On perusal thereof, it would reveal that the case has already been committed on 30.06.2023 and now the case is pending before the learned A.D.J.-V, Barh having Session Trial No. 831 of 2023.

Learned counsel appearing for the petitioner



referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 04.07.2021 i.e more than two years.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the present stage of the trial as well as the period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Barh in connection with Mokama P.S. Case No. 166 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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