

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71991 of 2021

Arising Out of PS. Case No.-137 Year-2014 Thana- FATUA District- Patna

GANGA PASWAN @ GOGA S/o Late Sanjeevan Paswan R/o village- Chhoti
Ranipur, P.S.- Fatuha, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Pandey,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 24-02-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioner seeks bail in a case registered for the offence under Sections 147, 148, 149, 342, 324, 326, 307, 452, 120(B), 302 of IPC and Section 27 of Arms Act and Section 3/4 of Dain Prohibition Act.

The informant alleged that on 28.04.2014 at about 12:00 in the night, the informant, his brother and other family members were sleeping on the roof of the house, all of a sudden the petitioner and other accused persons having armed with different weapons scaled over the roof of the house of the



informant and made indiscriminate firing causing firearm injury to the brother, sister-in-law and other family members of the informant. The accused persons dragged away mother of the informant. Later on, during course of search the dead body of mother of the informant was recovered. The dead body was ridden with bullet injury and the neck of mother of the informant was also slit.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. Further submits that there is no eye witness of the alleged occurrence and only on the basis of the suspicion, the petitioner has falsely been implicated in the present case.

Vide order dated 04.01.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 07.02.2023 reveals that the charge has been framed against the petitioner on 09.10.2021 but up-till-now the prosecution has failed to produce the witnesses.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, there is no chance



of early conclusion of the trial in near future and the petitioner is in custody since 08.12.2014.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries ten more cases other than the present one.

Learned counsel for the petitioner, on the instruction, submits that the petitioner is on bail in all the cases as mentioned in the para-3 of the bail petition.

Considering the aforesaid facts and period of custody, let the petitioner, above named, 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 court below where the case is pending in connection with S.Tr.No.1089 of 2014 and 1089(A) of 2014 arising out of Fatuha P.S.Case No.137 of 2014 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 cancelled 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.

(3) 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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