

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70919 of 2023

Arising Out of PS. Case No.-63 Year-2002 Thana- GOH District- Aurangabad

Kapil Paswan @ Kapildeo Paswan, son of Sahdeo Paswan Village- Jujharpur
P.S.- Goh Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Goh P.S. Case No. 63 of 2002, lodged on 12.06.2002 under
Sections 341, 323, 324, 354 and 34 of the Indian Penal Code.

3. Learned Counsel for the petitioner submits that due
to inadvertence, wrong date of cancellation of bail bond has
been typed as 06.04.2021 instead of 06.04.2011 in paragraph 11
of the bail petition and seeks permission to correct the same.
Permission granted accordingly.

4. Learned counsel for the petitioner submits that the
bail to the present petitioner was earlier granted but due to non
appearance, his bail bond was cancelled on 06.04.2011 and
subsequently, the process under section 82 and 83 was issued on



16.03.2012, and then on 25.08.2022, the petitioner was declared absconder. Counsel also submits that the petitioner belongs to poor family and for his livelihood, he has gone outside the State and due to lack of proper knowledge, the petitioner could not appear in this case and do *pairvi*.

5. Learned counsel for the petitioner submits that the petitioner is ready to fulfil all the conditions whatsoever shall be imposed upon him. Counsel also submits that the charge has been framed in this case on 07.07.2023. Counsel undertakes that the petitioner shall appear before the Court on day to day basis. He further submits that the antecedent of the petitioner is clean and he is in custody since 08.05.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Aurangabad in connection with Goh P.S. Case No. 63 of 2002, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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