

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71210 of 2023

Arising Out of PS. Case No.-43 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

Anil Paswan, S/O Sadhu Paswan, R/O Village- Asma, P.S- Ghanshyampur,
Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-12-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Ghanshyampur P.S. Case No. 43 of 2021 dated 01.03.2021
registered for the offences punishable under Sections 302, 201
read with 34 of the Indian Penal Code.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier bail prayer was rejected
by this Bench vide order dated 20.04.2023 passed in Cr. Misc.
No. 66666/2022 preferred by this petitioner.

4. The fresh grounds taken by the petitioner for the
relief of regular bail in his second attempt are that in the
earlier rejection order, this Court has granted liberty to the



petitioner to renew his bail prayer after six months from the date of order if any significant progress is not made in his trial and accordingly in the light of the said liberty, he has come again before this Court for the relief of regular bail. The main submissions advanced by learned counsel for the appellant are that his earlier prayer was rejected by this Court on 24.04.2023 and thereafter, 11 dates have passed in the trial court but till date no prosecution witness was produced and examined by the prosecution despite several directions given by the trial court for producing the witnesses which shows lingering attitude of the prosecution and the victim got married with this petitioner 10 years ago before her death and at the time of alleged occurrence, the petitioner was not present in his house as he was residing in Bombay for the purpose of his livelihood and he came to his village after getting information about the alleged occurrence thereafter he was falsely implicated in the present matter. Further submissions are that the co-accused Sunil Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 17.04.2023 passed in Cr. Misc. No. 65769/2022 and the petitioner has been languishing in jail since 12.03.2021.



5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides. Though, there is serious allegation against the petitioner but considering his custody period as well as prosecution's lingering attitude in producing and examining the witnesses as pointed out by learned counsel for the petitioner, in my opinion, in the present circumstances, the petitioner now deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Ghanshyampur P.S. Case No. 43 of 2021.

(Shailendra Singh, J)

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