

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26519 of 2024

Arising Out of PS. Case No.-10 Year-2021 Thana- SONEPUR District- Saran

Sanjay Paswan Son of Devanand Paswan Resident of Village- Karamchak,
P.S.- Sonapur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 323, 324, 504
and 302/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is in custody since 22.03.2021 and this is the third
attempt of the petitioner to seek bail. It is further submitted that
the regular bail application of the petitioner was rejected by an
order dated 07.12.2022 passed in Cr. Misc. No. 68342 of 2022.
It is next submitted that by order dated 07.12.2022 passed in Cr.
Misc. No. 68342 of 2022 the petitioner was given the liberty to
file regular bail application before the learned trial court in the
event if the trial is not concluded within a period of one year
and the learned trial court was directed to take a decision in



accordance with law if the learned trial court comes to a conclusion that for no fault of the petitioner the trial could not be completed.

4. Learned counsel submits that thereafter petitioner again moved the learned trial court for seeking regular bail but the same was rejected by the order impugned. It is further submitted that from perusal of the order impugned, it would manifest that the learned trial court has not considered the case whether petitioner was responsible for the trial not to conclude within a period of one year. It is next submitted that altogether there are seven witnesses and out of the seven witnesses only one witness till date has been examined and the delay in concluding the trial is because of the inaction of the prosecution in not bringing the witnesses.

5. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection



with Sonapur P.S. Case No. 10 of 2021.

7. One of the bailors of the petitioner shall be his father Devanand Paswan.

8. However, it is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify as to whether only one witness has been examined in the trial or not and if more than one witness has been examined in that event the present order shall not be given effect to.

9. It is further made clear that if the learned trial court comes to a conclusion that petitioner, after his release, is trying to delay the trial in any manner, in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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