

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24248 of 2024

Arising Out of PS. Case No.-71 Year-2020 Thana- OBRA District- Aurangabad

Anil Paswan S/o Ramashish Paswan R/o vill - Ratwar, P.S. - Obra, Distt. -
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 09-08-2024 Heard Mr. Shailesh Kumar Singh, learned Advocate
for the petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Obra P.S. Case No. 71 of 2020, arising out of Sessions Trial No. 46 of 2021, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. This is the third attempt made on behalf of the petitioner, as twice the prayer for bail of the petitioner has been turned down by this Court, taking note of the accusation made against the petitioner that he fired upon the deceased, causing his death.

4. Learned Advocate for the petitioner contended that



since the prayer for bail of the petitioner has been rejected, taking note of the materials available on record and, as such, he is not pressing the application on merit of the case. However, for the sake of repetition, he further drew the attention of this Court to the *fardbeyan* of the informant and submitted that the informant himself stated that he came to the place of occurrence after hearing the sound of firing. It is next contended that there is a case and counter case between the parties, wherein, the persons of both the sides have sustained injuries. Out of eight witnesses, till date, only six charge-sheet witnesses have been examined and there is every likelihood that it will take further one year to conclude the trial. The petitioner has been incarcerated since 06.04.2020.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is the person who gave fatal blow to the deceased and the status report suggest the witnesses have supported the prosecution case.

6. Regard being had to the submissions made on behalf of the parties and considering the period of incarceration for over a period of more than four years and four months, coupled with the premise in which incidence has taken place



and the factum of delay in disposal of the trial as well as the liberty granted by this Court on the earlier occasion vide order dated 01.09.2023, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XII, Aurangabad in connection with Obra P.S. Case No. 71 of 2020, arising out of Sessions Trial No. 46 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case. Even a single absence of the petitioner on the date fixed on the trial shall lead to cancellation of his bail bond.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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