

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29130 of 2024

Arising Out of PS. Case No.-51 Year-2022 Thana- ADHAOURA District- Kaimur (Bhabua)

Banarsi Paswan son of Late Chhoteylal Paswan Resident of Village- Sikari,
P.S.- Adhaura, District- Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Seth, Advocate

For the State : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-07-2024 Heard Mr. Vinod Seth, learned counsel for the

petitioner and Mr. Uma Shankar Prasad Singh, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
21.10.2022, in connection with Sessions Trial No. 63 of 2023
arising out of Adhaura P.S. Case No. 51 of 2022, FIR dated
20.10.2022 for the offences punishable under Sections 302, 201
and 34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27
and 35 of the Arms Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 13.07.2023 passed in Cr. Misc. No.
21311 of 2023 thereafter the petitioner again moved before this
Court in Cr. Misc. No. 5286 of 2024 which was withdrawn vide
order dated 02.02.2024 with the liberty to file a fresh application



before the learned Court below thereafter the petitioner has again approached this Court in the present application.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that only on the basis of the self confessional statement made by the petitioner, the petitioner has been made accused in the present case along with other co-accused person, namely, Ram Brichha Singh. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that the allegation against the FIR is that petitioner along with other co-accused person has committed murder of the informant's husband. He further submits that the other accused person, namely, Ram Brichha Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 21.08.2023 passed in Cr. Misc. No. 12177 of 2023. The petitioner is rotting in judicial custody since 21.10.2022.

5. Vide order dated 17.05.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 24.05.2024 reveals that out of eight witnesses, only two witnesses have been examined.

6. Learned APP for the State vehemently opposed



the prayer for bail of the petitioner and submits that on the basis of the confessional statement of the petitioner the dead body of the deceased was recovered and the used arms also recovered from the agricultural field of the petitioner.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 21.10.2022.

8. Considering the facts and circumstances of the case as well as the report of the trial Court, let the, above named, petitioner 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 Additional Sessions Judge XI, Kaimur at Bhabua in connection with Sessions Trial No. 63 of 2023 arising out of Adhaura P.S. Case No. 51 of 2022 with the following conditions:-

(i) 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 canceled by the Court below.



(ii) 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.

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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