

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41325 of 2024

Arising Out of PS. Case No.-287 Year-2022 Thana- SHERGHATI District- Gaya

Rupesh Paswan S/O Raj Kumar Paswan @ Kumar Paswan R/O Village-
Nima, P.S- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the State : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2024 Heard Mr. Arvind Kumar Singh, learned counsel
for the petitioner and Mr. Sanjay Kumar Sharma, learned A.P.P.
for the State.

2. The petitioner seeks bail, who is in custody since
11.04.2022, in connection with S. Tr. No. 186 of 2023, 445 of
2023 arising out of Sherghati P.S. Case No. 287 of 2022, FIR
dated 10.04.2022 for the offences punishable under Sections
304(B) and 34 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 22.06.2023 passed in Cr. Misc. No.
261 of 2023.

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 the
petitioner is in judicial custody since 11.04.2022 but trial is not



in progress and he has filed a supplementary affidavit in which it is stated that the charge has been framed against the petitioner on 08.02.2024.

5. Vide order dated 27.06.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 09.07.2024 reveals that out of seven witnesses, only one witness has been examined and the case is pending for the examination of the rest of the witnesses.

6. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail 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 11.04.2022.

8. Considering the facts and circumstances of the case, report of the learned trial Court as well as period of custody, 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 District and Sessions Judge, Sherghati, Gaya in connection with Sessions Trial No.186 of 2023, 445 of 2023 arising out of Sherghati P.S. Case No. 287 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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