

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50361 of 2024

Arising Out of PS. Case No.-458 Year-2018 Thana- FATUA District- Patna

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Mahesh Paswan Son Of Late Basu Paswan Village- Hazipur, Ps- Fatuha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Rathour, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 09-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The present is the fifth application for regular bail filed on behalf of the petitioner.

3. The petitioner seeks bail in connection with Sessions Trial No. 22 of 2019, arising out of Fatuha P.S. Case No. 458 of 2018 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code.

4. The prosecution case, in short, is that, the petitioner along with other co-accused persons entered into the house of the informant and shot dead her husband in front of the informant and fled away from the place of occurrence.

5. Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected four times on merit by a co-ordinate Bench of this Court vide Cr.



Misc. No. 49426 of 2019, Cr. Misc. No. 36735 of 2020, Cr. Misc. No. 46475 of 2021 and Cr. Misc. No. 49805 of 2023 vide orders dated 25.09.2019, 10.02.2021, 06.10.2021 and 03.11.2023 respectively. He further submits that the petitioner is in custody since 03.10.2018.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that earlier, regular bail of the petitioner was rejected four times on merit and there is no fresh ground available on the record. It is further submitted that as per report dated 27.11.2024 of the Court below, it is stated that all charge-sheeted witnesses were produced and had been examined. Now record is fixed for statement of the petitioner on 11.12.2024. Hence, the petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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