

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53640 of 2024

Arising Out of PS. Case No.-93 Year-2016 Thana- BUXAR INDUSTRIAL District- Buxar

Pappu Kumar Paswan @ Pappu Paswan Son Of Bachha Lal Paswan @
Bachhalal Ram Resident Of Village - Ekdadar, P.S. - Brahampur, District -
Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-09-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Buxar
(Industrial) P.S. Case No. 93 of 2016, Tr. No. 195/2022
registered for the offences under Sections 302/201/34 of
the Indian Penal Code.

3. Earlier, prayer of bail of the petitioner was
rejected by one of the learned coordinate Bench of this Court
through Cr. Misc. No. 73474 of 2022 dated 15.05.2023,
wherein learned trial court was directed to conclude the trial
within stipulated period of six months in terms of report as
made available by learned Additional District & Sessions
Judge-V, Buxar dated 27.04.2023.



4. The present is the second bail petition of the petitioner.

5. Taking note of aforesaid fact, a report was called for by this Court also regarding present status of trial vide order dated 26.07.2024 and 31.08.2024, wherein a report was made available to this Court through letter no. 82 dated 11.09.2024 issued by learned Additional District & Sessions Judge-VII, Buxar, kept at Flag 'R', speaking that still this matter is pending for examination of prosecution witness, where on 06.08.2024, the learned trial court has issued summons under Section 311 of the Cr.P.C.

6. It is submitted that petitioner remains in custody since 22.01.2022 i.e. more than two years and eight months, where trial is a remote aspect and certainly petitioner cannot be kept behind the bar for indefinite period in want of trial, which is otherwise amounting to violation of his fundamental right as available under Article 21 of the Constitution of India. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Javed Gulam Nabi Shaikh Vs.**



**State of Maharashtra and Anr. reported in 2024 SCC
Online SC 1693.**

7. Learned A.P.P. for the State is present.

8. In view of the aforesaid facts and circumstances as the petitioner remains in custody since 22.01.2022, where trial is not likely to be concluded in near future, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Buxar/concerned court, in connection with Buxar (Industrial) P.S. Case No. 93 of 2016, Tr. No. 195/2022. subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S."), subject to the following conditions:

- (i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bonafide;
- (ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two



consecutive dates without plausible reason will entail
cancellation of his bail bond by the Trial Court itself;
(iii) The petitioner shall appear before the concerned
police station every month till the conclusion of the
trial to mark his attendance;
(iv) The petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the
evidences, failing which the State shall be at liberty to
take steps for cancellation of his bail bonds.

(Chandra Shekhar Jha, J.)

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