

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64918 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- SAUR BAZAR District- Saharsa

Shiv Kumar Paswan @ Sukumar Paswan @ Sukamar Paswan Son of
Baleshver Paswan Resident of Village - Baijnathpur, P.S.- Sour Bazar, District
- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sessions Trial No. 133 of 2023 arising out of Sour Bazar
(Baijnathpur O.P.) P.S. Case No. 03 of 2023 registered for the
offences punishable under Sections 302, 120(B) of the IPC and
Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others are
said to have fired from the pistol as a result of which informant's
son died.

4. Learned counsel for the petitioner submits that bail



prayer of the present petitioner has been rejected by this Court on merit on 05.12.2023 vide Cr. Misc. No. 60577 of 2023 with direction to the trial court to expedite the trial and conclude the same as early as possible. He further submits that petitioner has filed the present bail petition after eleven months from the date of rejection of his previous bail prayer. He further submits that petitioner bears criminal antecedent of four cases in which he is on bail. He further submits that delay of trial is not in any way attributable to the present petitioner as he is in custody since 21.01.2023. He further submits that co-accused Mukesh Paswan and Shiva Kumar have already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 41454 of 2023 and 58657 of 2023 respectively and case of present petitioner stands more or less on similar footing and hence, petitioner deserves bail.

5. Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that bail prayer of the petitioner has already been rejected on merit vide order dated 05.12.2023. He further submits that there is specific allegation of firing against petitioner and co-accused Raushan Kumar which finds place from the statement of witness Ranjit Prasad and Namo Yadav who are the person having concerned



shop at the place of occurrence, whose statements have been recorded at paragraphs no. 11 and 12 of the case diary. The postmortem report also corroborates the allegation made in the FIR. He further submitted that co-accused Shiva Kumar has been granted bail by a co-ordinate Bench of this court as only allegation against him is that he accompanied with the petitioner and others. He further submitted that on similar and identical allegation bail prayer of co-accused Roshan Kumar has already been rejected by a co-ordinate Bench of this court vide Cr. Misc. No. 49479 of 2023 and hence, petitioner does not deserve bail.

6. A report regarding stage of trial has been sought by this court and in pursuance of the said direction, the trial court vide letter no. 40 dated 13.11.2024 has sent its report which reveals that out of ten prosecution witnesses, eight prosecution witnesses have already been examined.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner, earlier bail prayer of the petitioner has been rejected on merit as well as report of trial court, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner stands rejected.

8. The learned trial court is directed to expedite the



trial and conclude the same as early as possible.

(Alok Kumar Pandey, J)

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