

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4230 of 2024

Arising Out of PS. Case No.-342 Year-2021 Thana- FATEHPUR District- Gaya

Upendra Paswan Son of Late Kuleshwar Paswan Resident of Village- Raghunathpur, PS- Faehpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Vikash Kumar Son of Suresh Paswan Resident of Village- Raghunathpur, P.S.- Fatehpur, Distt.- Gaya (Informant)

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-11-2024 Heard learned counsel for the Appellant as well as learned Special Public Prosecutor for the State.

2. The present appeal has been preferred against the impugned order dated 20.07.2024 passed in Trial No. 342 of 2023 arising out of Fatehpur P. S. Case No. 342 of 2021 by learned Exclusive Special Judge SC/ST, Gaya whereby learned Trial Court has dismissed the application of the appellant for regular bail.

3. Previously the Appellant has preferred Criminal Appeal (SJ) No. 1627 of 2023 praying for enlargement of the Appellant on bail. However, the same was rejected by dismissing the appeal vide order dated 21.06.2023 passed in Criminal



Appeal (SJ) No. 1627 of 2023. However, it was stipulated that in case trial is not completed within one year, the Appellant would be at liberty to renew his prayer for bail. Accordingly, the appellant moved a fresh regular bail petition before the Court Below but the same was rejected by the impugned order dated 20.07.2024 passed in B.P. 2211 of 2024 by learned Special Judge, SC/ST, Gaya.

3. Considering the fact that stipulated time of one year has elapsed since the dismissal of the Criminal Appeal (SJ) No. 1627 of 2023, **the appeal is allowed** directing the appellant, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST, Gaya, in connection with Sessions Trial No. 342 of 2023 arising out of Fatehpur P. S. Case No. 342 of 2021 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedents, learned court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the appellant.

(Jitendra Kumar, J.)

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