

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75519 of 2023

Arising Out of PS. Case No.-210 Year-2021 Thana- DHORAIYA District- Banka

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Dilip Paswan, aged about 23 years, Male, Son of Bechan Paswan, Resident of
Village- Chalna, P.S. Dhuraiyaa, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Dinesh Prasad Verma, Advocate
For the State : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 13-02-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the report.

2. The petitioner seeks bail in connection with Dhoria
P.S. Case No. 210 of 2021 instituted for the offence under
Sections 302/201 of the Indian Penal Code, which was earlier
rejected vide order dated 02-02-2023 passed in Cr. Misc. No.
56502 of 2022 by Co-ordinate Bench of this Court with a
direction to the Trial Court to conclude the trial within a period
of six months.

3. Earlier on 01-12-2023, a progress report was called
for in respect to conclusion of trial in *Cr. Misc. No. 75519 of
2023* and the same has been received and kept at Flag-T dated
07-12-2023, wherein it is mentioned that out of seven witnesses,



five witnesses have been examined and discharged and only two witnesses are yet to be examined and the case may conclude within six months.

4. As per the FIR, one Chowkidar given his fardbeyan before the police that a beheaded body was lying near *Muswa* pond. On that information, police reached at the alleged spot and found an unidentified dead body who was beheaded by unknown persons with a view to conceal their crime.

5. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11-01-2022. Petitioner is stated to be man of clean antecedent.

6. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that similarly situated co-accused, namely, Devendra Paswan, has been granted bail vide order dated 24-01-2024, passed in Cr. Misc. No. 76220 of 2023 by Co-ordinate Bench of this Court.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.



9. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhoriya P.S. Case No. 210 of 2021 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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