

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76220 of 2023

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

Devendra Paswan Son Of Bhakti Paswan @ Bhakhi Paswan @ Backki Paswan R/O Village- Khutaha, P.S.- Lodipur (BYPASS O.P.), District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-01-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in this case registered for the offence punishable under sections 302, 201 and 34 of the Indian Penal Code which was earlier rejected by order dt. 02.02.2023 in Cr. Misc. No. 28944 of 2022 by another co-ordinate Bench of this Court with a direction to trial Court to conclude the trial within a period of six months.

3. In pursuance of the above said order, on 04.12.2023, a progress report was called for by this Hon'ble Court in respect of conclusion of trial in Cr. Misc. No. 76220 of 2023 and the same has received and kept at Flag-T dated 07.12.2023 in which it is mentioned that the trial will be



concluded within a period of six months.

4. It is submitted by learned counsel for the petitioner that neither the trial has been concluded as yet nor there is any hope to conclude the trial in near future and the petitioner is languishing in judicial custody since 16.12.2021.

5. As per FIR, one Chowkidaar was given 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.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of other co-accused person. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Similarly situated other co-accused persons have already been granted bail by another co-ordinate Bench of this Court vide Annexure-3 of this petition.

7. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular



bail.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dhoriya P.S. Case No. 210 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st Banka.

(Sunil Kumar Panwar, J)

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