

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76589 of 2024

Arising Out of PS. Case No.-39 Year-2012 Thana- ASHTHAWAN District- Nalanda

=====

Ashok Paswan S/O Binda Paswan R/O Vill.- Ugawan, P.S- Ashtawan, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Md. Matloob Rab, APP

=====

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with S.Tr. No. 86 of 2013, arising out of Asthawan P.S. Case No. 39 of 2012, instituted for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, while the informant was returning from field, two men caught her and covered her mouth and two other men caught her *gotni* and tied her hands and legs. After some time she heard groaning sound of her husband. Later on when she went inside her house, she found her husband dead.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case.

5. The present case is misuse of privilege of bail earlier granted to the petitioner. Earlier the petitioner was granted bail on 12.09.2012 by the learned Court below. It is submitted that after granting bail, the petitioner appeared regularly before the learned Trial Court and faced Trial in this case. The petitioner has appeared regularly prior to 02.03.2020 and last witness was examined on 16.07.2019, thereafter no witnesses have turned up in this case. No notice or summon has ever been served to the petitioner and he has no information about the current status of the said case. The learned Court below cancelled the bail bond of the petitioner on 07.08.2024. The petitioner surrendered in the Court below on 28.09.2024. Thus, there is misuse of privilege of bail.

6. Learned counsel for the petitioner also submits that the petitioner undertakes to abide by any conditions imposed by this Court, if released on bail. It is further submitted that similarly situated co-accused has been granted regular bail by a this Court vide order dated 28.10.2024 passed in Cr. Misc. No. 77768 of 2024.



7. Learned APP 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, taking into account the period of custody undergone by the petitioner and claim based on parity as also the undertaking given by the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S.Tr. No. 86 of 2013, arising out of Asthawan P.S. Case No. 39 of 2012, 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)

Rajorshi/-

U		T	
---	--	---	--

