

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79041 of 2023

Arising Out of PS. Case No.-514 Year-2022 Thana- BARACHATTI District- Gaya

RAJESH PASWAN @ RAJESH KUMAR RANJAN Son of Jagdeo Paswan
R/o vill - Baank, P.S. - Barachatti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-02-2024 Heard Mr. Shivendra Prasad, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP for the
State.

2. The petitioner is in judicial custody in connection
with Sessions Trial No. 595 of 2023/1338 of 2023 arising out of
Barachatti P.S. Case No. 514 of 2022 for the offence punishable
under Section 302/34 of the Indian Penal Code lodged on
22.6.2022 by the informant, Kusum Devi.

3. The petitioner had earlier moved before this Court
for grant of regular bail vide Cr. Misc. No. 32828 of 2023 which
was heard and rejected on 24.08.2023.

4. Earlier, a report was called for on 8.12.2023. Now
the report has been received vide letter no. 248 dated



14.12.2023, according to which, the trial is on and out of six charge-sheeted witnesses, three have been examined.

5. As per the prosecution story, the goat of the lady had grazed the field of her brother-in-law (Bhaisur) for which she was abused by his wife and son. Further, when she was sleeping at her home, all the accused persons including the petitioner, his wife, his son came, dragged out the lady, assaulted her with 'lathi' 'danda' as a result thereof, she became injured. As she sustained head injury, was brought to Government Hospital from where referred to Government Hospital, Gaya. Later, she was admitted to RIMS, Ranchi where she breathed her last. Accordingly, the FIR.

6. Learned counsel for the petitioner submits that he has already suffered by being in custody since 14.2.2023 (para-14 of the petition). Further, the allegation is omnibus in nature and some of the accused persons have been granted bail as stated in Annexure-3. The last submission is that he will be diligently appearing in trial, if released on bail.

7. Learned APP opposes the prayer stating that earlier his bail application was rejected.

8. Taking into account the aforesaid submissions put forward by the parties as also that there is delay in conclusion of



the trial, he do not have criminal antecedent, has remained in custody since 14.2.2023 and as per the undertaking, he will be diligently appearing in the trial, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, Sherghati, Gaya, in connection with Sessions Trial No. 595 of 2023/1338 of 2023 arising out of Barachatti P.S. Case No. 514 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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