

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.205 of 2024

Arising Out of PS. Case No.-967 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Raja Paswan S/o - Lal Bachan Paswan R/o Vill.- Kutubpur (Kuttupur Kothi),
P.S.- Hajipur Sadar, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh, APP
For the Informant	:	Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-02-2024 Heard Mr. Ranjit Kumar Thakur, learned counsel for the petitioner, Mr. Ashutosh Kumar, learned counsel appearing on behalf of the informant as well as Mr. Arun Kumar Singh, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 16.08.2022 in connection with Hajipur Sadar P.S. Case No. 967 of 2021, F.I.R. dated 02.11.2021 for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the bail application of the petitioner was rejected by this Hon'ble Court vide order dated 19.05.2023 passed in Cr. Misc. No. 10127 of 2023. Thereafter, the petitioner has again moved before this Hon'ble Court in Cr. Misc. No.



75209 of 2023 which was withdrawn vide order dated 10.11.2023 with a liberty to move before the learned Trial Court.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Suraj Kumar. He further submits that similarly situated, co-accused, namely, Suraj Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 10.04.2023 passed in Cr. Misc. No. 73440 of 2022.

5. Vide order dated 05.01.2024 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 18.01.2024 reveals that the charge has been framed on 29.09.2023 but till date the prosecution had not produced any witnesses and the case is pending for the examination of the prosecution witnesses.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in custody since 16.08.2022 and the other co-accused person has



been granted bail by the Co-ordinate Bench of this Court.

7. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

8. Considering the aforesaid facts and circumstances and the report of the learned Trial Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge III Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 967 of 2021, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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