

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23287 of 2025

Arising Out of PS. Case No.-166 Year-2010 Thana- BIRAUL District- Darbhanga

1. Anirudh Paswan @ Anarudh Paswan @ Anrudh Paswan Son of Naresh Paswan Resident of Village- Lohni, P.S- Biraul, District- Darbhanga
2. Amarjeet Paswan son of Nepali Paswan Resident of Village- Lohni, P.S- Biraul, District- Darbhanga
3. Kapchi Paswan @ Hira Paswan son of Suresh Paswan Resident of Village- Lohni, P.S- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 28-04-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Biraul P.S. Case No. 166 of 2010 instituted for the offence under Sections 394 and 302 of the Indian Penal Code.

3. It is a case of misuse of bail. The present case was registered in year of 2010 and the petitioners were not named in the FIR rather the same was registered against three unknown. After completion of investigation, I.O. has submitted charge-sheet on 19.09.2011 under Sections 398 and 302 of the IPC against these petitioners.

4. Thereafter, petitioners were granted bail on



05.11.2012 by the learned court below. Bail bond of petitioner nos. 1 and 3 was cancelled on 17.08.2013 and again both the petitioners filed bail petition and were granted bail on 02.09.2013.

5. It is further submitted that bail of the petitioners was cancelled on 17.11.2014 and processes u/s 82 and 83 of the CR.P.C. was issued in the year 2015 and on 18.05.2016, permanent warrant was issued against the petitioners on 18.05.2016.

6. Again bail was granted on 2.9.2013 to the petitioners but they were arrested in another case i.e. Bahera P.S. Case No. 232 of 2014 and remained in jail for long period and they were remanded in other case except the present one.

7. Learned counsel for the petitioner further submits that for last several years, petitioners were not produced in the present case and then permanent warrant was issued by the court below on 18.05.2016. Bail bond of the petitioners has been cancelled on 17.03.2024. In the present case, petitioners are in custody since 08.04.2024.

8. Learned APP appearing for the State has opposed the prayer of bail and submitted that there is a willful and malafide intention of the petitioners and due to his non-



appearance, the trial of the present case has been hampered.

9. Considering the facts and circumstances of the case and period of custody undergone by the petitioners, this court is inclined to enlarge them on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Benipur, Darbhanga in connection with Biraul P.S. Case No. 166 of 2010 (S. Trial No. 457 of 2012) with following conditions:

(i) Petitioners shall co-operate in the trial and shall be present on each and every fixed date and on his absence on any date, without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii) One of the bailors must be close relative of the petitioners.

(S. B. Pd. Singh, J)

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