

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20507 of 2015

Arising Out of PS.Case No. -238 Year- 2014 Thana -GAYA MUFFSIL District- GAYA

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Bipin Paswan son of Arjun Paswan, Resident of village- Bara, P.S. Moffasil
and District- Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Vinayak

For the Opposite Party/s : Mr. Ajay Kumar 1(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 30-09-2015 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner, being the husband, is apprehending his
arrest in connection with Moffasil P.S. Case No.238 of 2014
registered under Sections 304B and 34 of the Indian Penal Code.

Earlier, the case diary was called for in the present
matter which has been received.

Learned counsel for the petitioner submits that a
malicious prosecution has been launched against the petitioner and
his entire family for having caused the death of his wife.

It is further submitted that actually the informant and his
entire family participated in the cremation ceremony of the
deceased and thereafter, as an afterthought, he lodged the present

case making malicious allegations against the petitioner and his family members.

It is also submitted by learned counsel for the petitioner that prior to the lodging of the present case, the petitioner has lodged a case, being U.D. Case No.3 of 2014 dated 23.05.2014, stating the clear facts before the authorities. He further submits that taking into consideration such facts and circumstances, other accused persons/family members have been extended the privilege of anticipatory bail by a Bench of this Court vide order dated 09.01.2015 passed in Cr. Misc. No.11 of 2015.

Considering the aforementioned facts and the fact that a case, being U.D. Case No.3 of 2014, was lodged on the same day in the hospital by the husband himself, let the petitioner, above named, in the event of his arrest/surrender in the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Mofassil P.S. Case No.238 of 2014 , subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure as also subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also under take to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.
- (iii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Anjana Mishra, J)

V.P.Sinha/-

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