

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22685 of 2015

Arising Out of PS.Case No. -23 Year- 2014 Thana -KASMA District- AURANGABAD

1. Kaushlesh Paswan Son of Late Balchand Paswan resident of village -
Dhol, P.S. Kasma, District - Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh

For the Opposite Party/s : Mr. Akbar Ali(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under
Section 304(B) of the Indian Penal Code.

The prosecution story, in brief, is that the daughter of the
informant was married in the year 2009 and the petitioner, who is the husband
of the deceased was working at Jaipur since six month and the deceased was
kept for one year at her parents house. Thereafter Sidheshwar Paswan took
the deceased at her in-laws house with his son Manish Paswan and on
12.07.2014 the informant got information by phone that his daughter Ruby
Devi and her female child aged about nine month have burnt and the
informant reached at the sasural of his daughter, but he did not meet with his
daughter or any other family members and it is alleged that for fulfillment of
dowry demand of one motor cycle and Rs. 50,000/- cash, Sidheshwar Prasad,
Meena Devi, Manish Paswan and Sunita Kumari caused dowry death of the
deceased.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has been made accused in the present case due to mistake of fact. From perusal of FIR it appears that on the alleged date of occurrence the petitioner was at Jaipur where he is working in a private firm. It also appears from perusal of para 14 of the case diary that in course of cooking the deceased had caught fire and she succumbed to the injury. The other family members also tried to save the lady and in that way they also sustained burn injury.

On behalf of the State, it has been submitted that the petitioner is not named in the FIR. The name of the petitioner has come in course of investigation.

Considering the aforesaid facts, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, 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 learned C.J.M., Aurangabad (Bihar) in connection with Kasma P.S. Case No. 23 of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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