

Arising Out of PS.Case No. -343 Year- 2014 Thana -SUPAUL District- SUPAUL

..... Petitioners

## The State of Bihar

....      .... Opposite Party

|                     |   |                                        |
|---------------------|---|----------------------------------------|
| For the Petitioners | : | Mr. Murari Narayan Choudhary, Advocate |
|                     | : | Mr. Mohit Srivastava, Advocate         |
|                     | : | Mr. Vijay Kumar, Advocate              |
| For the State       | : | Mr. Sunil Kr.Pandey(App)               |

5      19-04-2016      Heard learned counsel for the petitioners and the  
State.

The petitioners apprehend their arrest in connection with Supaul P.S. Case No. 343/2014 registered for offences punishable under Sections 304 (B) of the Indian Penal Code.

Petitioner no. 1, Paro Devi has already been granted pre-arrest bail vide order dated 08.12.2015 by a coordinate Bench of this Court.

As per allegation, the daughter of the informant was having eight months of pregnancy. Informant has stated in First Information Report that he saw injuries upon the body of her daughter and he also saw that her in-laws were preparing for her

cremation. However, he informed the police and the dead body of the deceased was seized and was sent for post-mortem but in the post-mortem report, cause of the death could not be ascertained and *viscera* was reserved for examination.

It is contended that no external injury was found. *Viscera* report is available on the record which is tagged as 'Flag A'. It discloses that there was nothing unusual found in the *viscera* such as poison or other alkaloids etc. It is contended that in the meantime, father of the petitioner was arrested and his trial is going on, in which, the informant has been examined as PW2, however, he has stated that on the date of occurrence, the petitioner was in Delhi and father-in-law had come back one or two days before the occurrence.

It is contended on behalf of the petitioner that it is clear from the aforestated fact that there is no external injury upon the body of the deceased, there is no poison recovered from the *viscera* sample and above all the petitioner was admittedly not present at the place of occurrence rather he was at Delhi when his wife died which is clear from the deposition of informant in S.T. case no. 02/14 which also arises of the same First Information Report.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Raj Kumar Paswan be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Supaul P.S. Case No. 343/2014, on furnishing bail bond of Rs.10,000( Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate Supaul subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

**(Dr. Ravi Ranjan, J.)**

rinkee/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|