

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13109 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -KURSAKANTA District- ARRARIA

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1. Subodh Paswan, Son of Late Kamru @ Kamalu Paswan, resident of
Village- Khasoul, Police Station- Kursakanta, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Kursakanta P.S. Case No. 33 of 2015 registered for the offence
punishable under Section 304(B)/34 of the Indian Penal Code.

Chandani Devi, the daughter of the informant was
married to Pramod Paswan the younger brother of the petitioner
and allegedly, due to non-fulfillment of demand of she-buffalo and
cash of Rs. 50,000/- she was being tortured by the petitioner and
other in-laws, her *Bidai* was refused and ultimately she was killed
by the petitioner and other in-laws.

Submission is of false implication and that there is no
specific allegation against the petitioner, other co-accused persons



have been allowed pre-arrest bail vide cri. Misc. No. 30481 of 2015 but the prayer of pre-arrest bail of the petitioner was rejected with a direction to surrender, the petitioner is in custody since 05.01.2016 after his surrender, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, he also deserves sympathetic consideration. The deceased had married to Pramod Paswan out of love and in absence of Pramod Paswan, she committed suicide which is evident from para 15 of the case diary which is the supervision of the Additional S.P., no injury has been found on the person of the deceased during post-mortem.

The learned APP opposes the prayer of bail by submitting that in absence of husband of the deceased, the petitioner and others killed the daughter of the informant and further there is specific allegation against the petitioner for demanding she-buffalo and cash of Rs. 50,000/-, the witnesses have stated that the petitioner used to assault the deceased and further he has developed illicit relationship with her also.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail

on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri. A.V.D. Dubey, learned J.M. 1st Class, Araria in connection with Kursakanta P.S. Case No. 33 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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