

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40310 of 2016

Arising Out of PS.Case No. -176 Year- 2013 Thana -HATHAURI District- MUZAFFARPUR

- =====
1. Dular Paswan S/o Late Rampat Paswan
 2. Mukesh Paswan S/o Dular Paswan Both are residents of Village - Barhad, P.S. - Hathauri, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Pd., APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 19-10-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner submits that petitioner no. 1 has since been arrested, hence, this application, as against him, has become infructuous.

Sole petitioner Mukesh Paswan apprehends arrest in connection with Hathauri P.S. Case No. 176/13, G.R. No. 5892/13 for offences alleged under Sections 304(B)/34 of the Indian Penal Code.

Allegation is that all the accused persons including the petitioner killed the daughter of the informant for non-fulfillment of demand of dowry of Rs. 1 lakh.

It has been submitted by the learned counsel for the petitioner that he is Dewar of deceased Shyama Kumari and has been falsely been implicated in the aforesaid case as there

was altercation and fight between the deceased and her husband due to which she consumed poison. He submits that petitioner is living separately with the deceased and her husband and has no connection with the family affairs of the deceased. He further submits that the allegations made against him are general and omnibus.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is general and omnibus allegation against the petitioner, who lives separately from the deceased and her husband, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, 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 Sri Santosh Kumar Jha, learned Judicial Magistrate 1st Class, Muzaffarpur, in connection with Hathauri P.S. Case No. 176/13, G.R. No. 5892/13, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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