

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9882 of 2016

Arising Out of PS.Case No. -473 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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Ashok Paswan @ Guddu Paswan @ Nitish Paswan, Son of Sri Lakshman Paswan, Resident of Village-Santhali Tola, Police Station - Kahalgaon (Shiv Narayanpur) in the district of Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. Ashok Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-05-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner, who is the husband of the deceased Priyanka Kumari, apprehends arrest in connection with Kahalgaon (Shiv Narayanpur) P.S. Case No. 473/15 for offences alleged under Sections 302/120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that on 07.11.2015 at 10.00 A.M. the petitioner informed him that his daughter is seriously ill and is hospitalized. On this information informant and his wife came and saw his daughter lying dead in the house of the petitioner. There was injury on her neck. Informant claimed that the First Information Report named accused persons under a conspiracy pressed the

neck of her daughter and killed her.

It has been submitted by the learned counsel for the petitioner that he is physically disabled, infirm and innocent, has committed no offence and only on the basis of suspicion he has falsely been implicated in the aforesaid case. He further submits that the informant's daughter, the victim, hanged herself, which has been supported by the victim's son and the said information was also given to the informant by the petitioner that his daughter is seriously ill and hospitalized. He further submits that all the independent witnesses have stated that the victim on her own hanged herself and committed suicide.

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

Considering the facts and circumstances of the case and since the son of the victim has stated that his mother, the victim, hanged herself and the petitioner also informed the family of the victim that the condition of the victim is serious, which has been supported by the independent witnesses, 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 learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon (Shiv Narayanpur) P.S. Case No. 473/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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