

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56262 of 2017

Arising Out of PS.Case No. -2 Year- 2016 Thana -TARABARI District- ARRARIA

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1. Mahendra Paswan, son of Late Saryug Paswan.
 2. Rambha Devi, wife of Late Saryug Paswan.
 3. Janardan Paswan, son of Kailee Paswan @ Kailu Paswan.
 4. Bikash Paswan, son of Mahendra Paswan.
- All are resident of Village- Khamgara (Majhwa Tola), P.S.- Tarabari, District- Araria.
5. Shyam Paswan, son of Tetaru Paswan, resident of Village- Bathua Baijnathpur, P.S.- Jogbani, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 05-12-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Tarabari P.S. Case No.02 of 2016 registered under Sections 376 and 302/34 of the Indian Penal Code.

The accusation is that the marriage of Punam Devi, the sister of the informant Golu Paswan, was performed before 15-16 years with Nagendra Paswan, son of Kokai Paswan alias Aniruddh Paswan, resident of village-Khamgara(Majhwa Tola), P.S. Tarabari, District- Araria. After the marriage, the sister of the informant was being



tortured by her in-laws due to non fulfillment of cash Rs.50,000/- and a buffalo in dowry. Pinku Paswan, the cousin brother-in-law (dewar) of the sister of the informant, wanted to establish physical relationship with her regarding which Panchayati was arranged in which Pinku Paswan admitted his guilt but the sister of the informant was being tortured for non fulfillment of cash Rs.50,000/- and a buffalo in dowry. Nagendra Paswan, the husband of the sister of the informant, is residing at Punjab for the last 7-8 months. On 16.01.2016, Pinku Paswan, the cousin brother-in-law (dewar) of the sister of the informant, in a drunken condition entered into her room and committed rape on her forcibly. On alarm being raised by the sister of the informant, her father-in-law, mother-in-law and other family members including the petitioners, under conspiracy, committed her murder. On receiving such information, the informant alongwith his mother, brother and other villagers went to the sasural house of his sister and found her dead body. On query, it was detected that Pinku Paswan locked the sister of the informant in a room and, thereafter, all the accused persons, strangled her to death by pushing her on the ground.

Learned counsel for the petitioners submits that petitioner no.1 Mahendra Paswan, petitioner no.2 Rambha Devi, petitioner no.3 Janardan Paswan and petitioner no.4 Bikash Paswan are the cousin father-in-law, cousin mother-in-law, cousin brother-in-law (Bahnoi) and cousin Dewar of the sister of the informant whereas petitioner no.5 Shyam Paswan is the relative of the husband of the sister of the



informant and they have falsely been implicated in this case. On investigation, police submitted the chargesheet only against Aniruddh Paswan alias Kokai Paswan, Nirmala Devi and Pinku Paswan, the father-in-law, mother-in-law and cousin Dewar of the sister of the informant and submitted final form against the petitioners. Earlier, the cognizance of the offence was taken against only Aniruddh Paswan alias Kokai Paswan, Nirmala Devi and Pinku Paswan, the father-in-law, mother-in-law and cousin Dewar of the sister of the informant, but, later on, the cognizance of the offence was also taken against the petitioners.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Araria, in connection with Tarabari P.S. Case No.02 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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