

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50798 of 2017

Arising Out of PS.Case No. -209 Year- 2017 Thana -BAHADURPUR District- DARBHANGA

- =====
1. Santu Paswan, S/o Late Suresh Paswan,
 2. Binay Paswan S/o Late Suresh Paswan,
 3. Bobby Paswan @ Chhotu Paswan @ Ravi Paswan S/o Late Suresh Paswan, All R/o Mohalla/Village- Chhipalia, P.S.- Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-12-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the state.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Bahadurpur P.S. Case No. 209 of 2017 for the offence punishable under section 304 (B)/34 of the I.P.C.

Allegedly, Nutan Devi, the daughter of the informant, was married with petitioner no.1 and after marriage the petitioners started demanding dowry and due to non fulfillment started torturing her and thereafter the informant received information that his daughter died and when the informant and his relatives



went there they saw black spot on her neck.

Submission is of false implication and that there was cordial relation between the petitioner no.1 and his wife, petitioner nos. 2 and 3 are living separately, wife of petitioner no.1 was sentimental and was of short temperament, she committed suicide due to some petty dispute, no demand was ever made from her, there is no eye witness of the occurrence, the parties have compromised the matter and a joint compromise petition has also been filed and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners.

In the facts and circumstances stated above, considering that petitioner nos. 2 and 3 are Devers and there is no specific allegation against them, they are claiming that they are living separately and as such the petitioner nos. 2 and 3, in case of their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M, Darbhanga in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of



the Cr.P.C.

So far, petitioner no. 1, namely, Santu Paswan is concerned, considering that he is the husband and there is allegation against him for demanding dowry and torturing his wife and as such I am not inclined to grant privilege of pre-arrest bail to petitioner no.1 and accordingly his such prayer stands rejected.

Abhay/-

(Jitendra Mohan Sharma, J)

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