

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18355 of 2017

Arising Out of PS.Case No. -95 Year- 2014 Thana -NATIONAL HIGHWAY District-SAMASTIPUR

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Ajay Paswan S/o - Upendra Paswan R/o Vill - Mundipur, P.S. - National Highway (N.H.) Bangra, Distt - Samastipur. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Onkar Kumar

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 22-05-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with National Highway (N.H.) Bangra P.S. Case No. 95 of 2014 registered for the offences punishable under Sections 304B/34 of the Indian Penal Code and Sections 3 / 4 of Dowry Prohibition Act.

Rekha Kumari, the daughter of the informant, was married to the petitioner about four years ago, out of the wedlock there is a son and a daughter and for last one year the petitioner and other in-laws started demanding one she buffalo or cash of Rs. 50,000/- in dowry and due to non-fulfillment she was being tortured and assaulted and sometimes ousted from the house and on 26.08.2014 the villagers informed the informant that his daughter has been killed.



Submission is of false implication and that during investigation no independent witness has come forward to support the prosecution case, during post mortem examination no external or internal injury has been found, resulting, viscera were kept preserve but no FSL report has been received and chargesheet has been submitted without any legal and cogent material. The petitioner is in custody since 20.01.2017 whereas other co-accused have been allowed pre-arrest bail. The informant after realizing the truth has filed compromise petition also wherein the petitioner has been shown innocent and due to mistake the wife of the petitioner prepared the tea with aid of insecticides and drunk the same, resulting, she died.

Learned APP submits that now the informant is retracting from his earlier version.

In the facts and circumstances stated above, 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 the learned Chief Judicial Magistrate, Samastipur in connection with N. H. Bangara P.S. Case No. 95 of 2014, subject to the conditions that one of the bailors must be a 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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