

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6405 of 2018

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

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Bhagirath Paswan, Son of Sarab Lal Paswan, Resident of Village-benghi
Kanain, P.S.-Bairgachhi, Dist.-Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 01-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 376
and 302/34 of the Indian Penal Code.

The prosecution case as per the written
report of Golu Paswan dated 17.01.2016 submitted to the Station
House Officer of Tarabari Police Station is to the effect that the
sister of the informant, Punam Devi was married with Nagendra
Paswan about 15-16 years prior to the lodging of the case.
Subsequently, the in-laws started inflicting torture for non-
fulfillment of further dowry demand of Rs.50,000/- and a
buffalo. Co-accused Pinku Paswan, cousin brother-in-law of the



sister of the informant wanted to have illicit relationship with her sister. On 16.01.2016 co-accused Pinku Paswan entered into the room of the sister of the informant and ravished her. Subsequently, the informant received information that his sister has been killed then he reached to the in-laws of the house of the informant where the children conveyed that she has been killed by the in-laws.

It is submitted by learned counsel for the petitioner that the petitioner is not family member of the in-laws of the sister of the informant. Initially U.D. Case No. 01 of 2016 was registered on 16.01.2016 but subsequently the present case was lodged wherein vide Charge Sheet No. 09 of 2016 charge sheet was submitted against in-laws and Pinku Paswan. The petitioner was not sent up for trial and thereafter second charge sheet was submitted against in-laws but ultimately the order of cognizance was passed differing with the final form vide order dated 09.11.2016. It is further submitted that the accusation is not specific against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that thrust of accusation is against Pinku Paswan, petitioner does not belong to



the in-laws and in-laws have been granted anticipatory bail, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Araria in connection with Tarabari P.S. Case No. 02 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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