

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12642 of 2020

Arising Out of PS. Case No.-259 Year-2018 Thana- DESARI District- Vaishali

Baiju Paswan, Son of Kishuni Paswan, Resident of Village - Kharjama,
Taibpur, P.S.- Desari, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rina Sinha, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mrs. Rina Sinha, learned counsel for the petitioner and Mr. Ramchandra Sahni, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case, as per the written report of Kaleshwar Paswan submitted to the Station House Officer, Desari Police Station, is to the effect that the daughter of the informant, Munni Kumari was married with the petitioner, Baiju Paswan in 2004. After the marriage, the relationship remained cordial for ten years, but one year prior to the lodging of the case, the petitioner developed some intimacy with another lady,



which was being protested by the daughter of the informant, as a result, the daughter of the informant was killed.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the FIR has been lodged against the petitioner. In fact, the victim actually died of the cardiac problem which resulted into cardiac arrest and the informant has retracted from his initial version and filed a petition to that effect before the learned Court below. The petitioner is languishing in custody since 22.08.2019 and the investigation has already been concluded.

Learned APP for the State submits that the petitioner is the husband and the victim's dead body was disposed of without informing the informant about the death of his daughter. However, he does not controvert the factum of the retracted version of the informant, which is on record.

Considering the fact that the informant has levelled the accusation on the basis of suspicion and subsequently, retracted from the initial version and the fact that the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate-



IV, Vaishali at Hajipur in connection with Desari P.S. Case No. 259 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Vaishali at Hajipur in connection with Desari P.S. Case No. 259 of 2018.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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