

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20115 of 2020

Arising Out of PS. Case No.-412 Year-2019 Thana- RAHUI District- Nalanda

Sube Paswan S/o Late Rupan Paswan Resident of Village- Majidpur, P.S.-
Rahui, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects the office will place the matter before the bench.

The petitioner, being the father-in-law of the victim, is languishing in custody since 15.11.2019 in a case registered for the offences punishable under Sections 304B/34 of the Indian Penal Code, hence, the prayer for bail has been



made through the present application.

The prosecution case, as per the fardbeyan of Kameshwar Paswan recorded by A.S.I., Satish Kumar Marandi, Rahui Police Station on 09.11.2019 at 8.00 A.M. at village – Majidpur, is to the effect that the daughter of the informant, Usha Devi was married with Sugriv Paswan about six years prior to lodging of the case. On 08.11.2019, the co-villagers of the in-laws' of the informant's daughter informed the informant that his daughter has been killed. It is alleged that the husband of the victim was already married thrice and all the accused persons used to torture the daughter of the informant for non-fulfillment of further dowry demand.

It is submitted by learned counsel for the petitioner that the accusation of demand of dowry after six years of the marriage appears to be unreasonable and unbelievable and petitioner is an old person. The accusation is omnibus and general against all in-laws family members including the petitioner. The investigation has already been concluded and petitioner claims to be separate from the husband of the victim.

Learned APP for the State submits that the petitioner is named in the FIR and the daughter of the informant has been killed within six years of the marriage.



Considering the fact that the thrust of accusation is against the husband of the victim, statement has been made in paragraph 9 of the petition that the petitioner is a 70 years old person, the accusation has already been concluded and accusation is omnibus and general against all in-laws family members, 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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Rahui P.S. Case No. 412 of 2019.

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



Chief Judicial Magistrate, Nalanda at Biharsharif in connection
with Rahui P.S. Case No. 412 of 2019.

The learned Court below is at liberty to further
extend the period of provisional bail if the court proceeding in
physical mode will not resume in next three months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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