

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26704 of 2020

Arising Out of PS. Case No.-187 Year-2019 Thana- MAHISHI District- Saharsa

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1. BIPIN PASWAN Son of Kiri Paswan Resident of Village - Bhagawatpur, P.S. - Mahisi, District - Saharsa.
 2. Sundar Paswan Son of Chandeshwary Paswan @ Chandeshwari Paswan Resident of Village - Bhagawatpur, P.S. - Mahisi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-10-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

At the outset, it is submitted on behalf of the petitioner that father's name of petitioner no. 1 instead of Kari Paswan is written as Kiri Paswan.

Let the father's name of petitioner no. 1 be read as Kari Paswan instead of Kiri Paswan.

Heard both parties.

The petitioners seek bail in Mahishi P.S. Case No. 187 of 2019, registered for the offence punishable under Sections 498(A), 341, 323, 342, 363, 364, 365 and 34 of the Indian Penal



Code. Later on, section 302 IPC and section 3/4 of the Dowry Prohibition Act.

As per prosecution case, informant's sister was married with co-accused Sanjay Paswan 15 years ago. For the last two years, Sanjay Paswan was demanding motorcycle in dowry and due to non-fulfillment of the same, informant's sister was subjected to torture. On 06.12.2019, informant reached at her sasural where she was not found and it appears that accused persons including these petitioners killed his sister and disappeared her dead-body.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. Petitioner no. 1 is Dewar of the deceased and petitioner no. 2 is distant relative. They are living separately and have no concern with the family affairs of the deceased and her husband. There is general and omnibus allegation. There is no eye-witness of the occurrence. Husband of the deceased is in jail. Petitioners have got clean antecedent as stated in para 3 and they are in custody since 07.01.2020.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Saharsa in connection with Mahishi P.S. Case No. 187 of 2019, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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