

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32077 of 2020

Arising Out of PS. Case No.-125 Year-2020 Thana- NAVINAGAR District- Aurangabad

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Ajay Paswan Son of Surajpat Paswan @ Suriyajpat Paswan, resident of
Village Pahad Bigha, P.S. Nabinagar, District Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party : Mr. Ram Bilash Ray Raman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-12-2020 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State via video

conferencing.

2. The petitioner has filed the present

application under Sections 439 and 440 of the Code of Criminal

Procedure for grant of bail in connection with Nabinagar P.S.

Case No.125 of 2020 registered under Section 304-B of the

Indian Penal Code.

3. It is contended by the learned counsel for the

petitioner that the entire prosecution case is false and fabricated

and there is no truth behind the allegation of demand of a

motorcycle and subjecting the victim wife to cruelty for non-

fulfillment of demand of motorcycle. It is further contended that



the deceased died natural death. The post-mortem examination report discloses the cause of death of the deceased to be due to cardiopulmonary arrest and hypoxia.

4. Learned Additional Public Prosecutor for the State has opposed the application for grant of bail to the petitioner. He contended that there is allegation that within two years of marriage, the petitioner killed his wife for non-fulfillment of demand of motorcycle.

5. Having heard the parties and perused the material on record, since the doctor, who conducted the post mortem examination, has opined that the cause of death of the deceased was due to cardiopulmonary arrest and hypoxia i.e., respiratory failure when the level of oxygen in the blood was dangerously low or level of carbon dioxide in the blood dangerously high, the petitioner, who is in custody since 14.06.2020, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Nabinagar P.S. Case No.125 of 2020.

6. Since the court proceedings are being conducted through virtual mode and normal court functioning



has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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