

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71621 of 2019

Arising Out of PS. Case No.-219 Year-2017 Thana- BAKHARI District- Begusarai

Vivek Kumar @ Vivek Paswan @ Vivek Kumar Paswan aged about 40 years (male), Son of Kapil Paswan Resident of Village - Paswan Tola, Ward No.17, P.S.- Bakhri, Distt.- Bugusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-05-2020

The matter has been heard *via* video conferencing in view of the lockdown imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with S.T. No. 48 of 2019, CIS No. 33 of 2019 arising out of Bakhri PS Case No. 219 of 2017 dated 29.08.2017 instituted under Section 304B of the Indian Penal Code.

4. The allegation against the petitioner, who is the husband of the deceased, is of torture, demand of dowry and causing death.



5. Earlier prayer for bail was rejected by a coordinate bench on 20.07.2018 in Cr. Misc. No. 42610 of 2018 and also on 08.03.2019 in Cr. Misc. No. 72025 of 2018.

6. Learned counsel for the petitioner submitted that the marriage had taken place only three months back and the deceased, who was wife of the petitioner, was already suffering from serious ailment, which was not disclosed to the family of the petitioner at the time of marriage. It was further submitted that in the FIR itself the brother of the deceased has stated that the petitioner had informed him about the condition of the deceased deteriorating and when he came, he found the dead body lying in the house. Thus, learned counsel submitted that when the dead body was available when the informant had come and he participating in the cremation, without informing the police so that the postmortem could be performed, is proof that there was no foul play and later, due to being misguided, the present false case has been lodged. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 30.10.2017. It was further submitted that though earlier the prayer for bail had been rejected, but observation was to expedite the trial and conclude it positively within six months in order dated 08.03.2019, which has not been done. Learned



counsel submitted that till date no witness has been examined without any fault of the petitioner.

7. Learned APP submitted that the death having occurred so soon after marriage, the petitioner cannot be said to be innocent.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned FTC IInd, Begusarai in S.T. No. 48 of 2019, CIS No. 33 of 2019 arising out of Bakhri PS Case No. 219 of 2017, subject to the conditions that one of the bailors shall be a close relative of the petitioner. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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