

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74786 of 2019**

Arising Out of PS. Case No.-254 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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ARVIND PASWAN @ ARBIND PASWAN Son of Rameshwar Paswan
Resident of Village - Chilmil, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. (Dr.) Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-06-2020 The matter has been taken up through virtual Court proceeding.

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

The present application has been preferred with a prayer for grant of bail in a case registered for the offences punishable under Sections 498A and 302/34 of the Indian Penal Code.

The prosecution case as per the written report of



Rupam Devi submitted before the S.H.O., Begusarai Muffasil Police Station is to the effect that the informant's sister, Pinky Devi was married with the petitioner, Arvind Paswan. Thereafter, the accused person, including the petitioner used to assault and torture the victim. It is also alleged that the petitioner used to instigate his family members from Delhi for torturing and assaulting the informant's sister. Ultimately, the sister of the informant committed suicide.

It is submitted by learned counsel for the petitioner that the marriage was performed eight years prior to lodging of the present case. Admittedly, the petitioner was at Delhi when the occurrence took place. In fact, the victim committed suicide and the informant is not an eye witness to the occurrence. Subsequently, the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is the husband of the victim, hence, the thrust of accusation is against him. Though it has come during investigation that the petitioner was at Delhi on the alleged date of occurrence, but



from Delhi, he used to instigate his family members to inflict torture upon the sister of the informant. However, there is no eye witness to the occurrence.

Considering the nature of accusation, retracted version of the informant and investigation already being 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 CJM, Begusarai, in connection with Muffasil P.S. Case No.254 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 on 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 CJM, Begusarai, in connection with Muffasil P.S. Case No.254



of 2018.

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

(Dinesh Kumar Singh, J)

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