

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13138 of 2021

Arising Out of PS. Case No.-166 Year-2020 Thana- BAKHTIARPUR District- Saharsa

BHAJAN PASWAN Son of Triveni Paswan Resident of Village - Nainapur,
Police station - Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Adv.
For the Informant	:	Mr. Binod Kumar Sinha, Adv.
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 18-08-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Bakhtiyarpur PS Case No. 166 of 2020, registered under Sections 304B, 34 of the Indian Penal Code.

There is allegation that informant's daughter was married to the petitioner six years prior to lodging of the F.I.R. It



is alleged that petitioner and his family members were demanding dowry and due to non-fulfillment of the same they killed the informant's daughter by setting her ablaze. The informant learnt about the same and he came to the place.

Learned counsel for the petitioner submits that it is a case of false implication. In fact, petitioner had come to his village from Punjab, where he was earning his livelihood, at the time of lock down. During investigation the victim was found to be having intimate relation with someone and faced with such awkward circumstance, she tried to commit suicide by consuming poison and was taken to the doctor for treatment. The doctor has also given statement that the victim was brought to him and he had referred her to Sadar Hospital, Saharsa but on the way, she died. Call details of the victim has also been considered and it has been found that she has been having long conversations with the person with whom she had intimate relation. I.O. has not found any blackening or any trace of fire in the room where the victim has allegedly been set ablaze. In fact no such occurrence has taken place. Being husband petitioner is in custody since 04.11.2020.

Learned counsel for the informant and learned APP have opposed the prayer for bail. It is submitted that victim has been done to death for non-fulfillment of demand for dowry within seven years of marriage, therefore petitioner cannot escape from



his criminal liability.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in Bakhtiyarpur PS Case No. 166 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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