

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29231 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- ROSHANGANJ District- Gaya

PREM PASWAN, Son of Sri Birendra Paswan, Resident of Village- Bihergai,
Tola- Purna Dih, Chaugain, Bankey Bazar, Police Station- Roshanganj,
District- Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Binod Kumar, Advocate
For the Opposite Party/s :	Mr. Lalit Kishore, AG
:	Mr. Dilip Kumar, APP
:	Mr. Akhileshwar Dayal, APP
:	Mr. Prabhu Narayan Sharma, A.C. to A.G.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 22-02-2021 Heard learned counsel for the petitioner and Mr. Dilip
Kumar, learned A.P.P. for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Roshanganj P.S. Case No. 08 of 2020
registered for the offence under Sections 304(B), 120(B) and 34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story the informant got the information that her
sister was ill and when she along with her family members went to
her sister's matrimonial home she found her dead.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.
Learned counsel submits that the marriage between the petitioner



and the deceased was a kind of love marriage, the petitioner is a petty vendor in the village and when he had gone to sell his paddy in the market, his wife having become angry with him committed suicide by hanging.

It is submitted that the petitioner has no criminal antecedent and he is in custody since 20.01.2020.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, brought to the notice of this Court the statements of some of the independent witnesses in the diary.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that the marriage between the petitioner and the deceased was a kind of love marriage, the petitioner is a petty vendor in the village and when he had gone to sell his paddy in the market, his wife having become angry with him committed suicide by hanging, the independent witnesses in the case diary have stated in paragraph 29 and 39 that they were called upon by the mother of the petitioner to open the door which was closed by the deceased and when they opened the door they found the wife of the petitioner hanging by neck, further submission that the petitioner has remained in jail for over one year, investigation against him is complete and the trial is not likely to be concluded



in near future, the vicera report received from the Forensic Science Laboratory, Patna does not disclose presence of any metallic, alkaloidal, glycosidal, pesticidal or volatile poison and learned A.P.P. for the State not controverting the fact that in the case diary there are independent witnesses saying that wife of the petitioner had hanged herself, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Sherghati, Gaya in connection with Roshanganj P.S. Case No. 08 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedents of the petitioner and in case at any stage it



is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Since the learned Advocate General has himself appeared and placed before this Court not only the fact that after the order was passed by this Court certain developments have taken place to streamline the functioning of the Forensic Science Laboratory, it has also been requested that this Court may get itself satisfied with the further developments, and for that the matter may be posted after three months, this Court directs listing of the matter under the heading 'To Be Mentioned' 17th May, 2021.

Mr. Prabhu Narayan Sharma, A.C. to A.G. has also assisted this Court.

List accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

