

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32841 of 2020

Arising out of PS. Case No.-271 Year-2019 Thana- NAUTAN District- West Champaran

1. Vijay Paswan aged about 33 years (M) Son of Shankar Paswan Resident of Village - Khap Tola, Nautan, P.S.- Nautan, Distt.- West Champaran.
2. Mukesh Paswan @ Mukesh Kumar aged about 25 years (M) Son of Shankar Paswan Resident of Village - Khap Tola, Nautan, P.S.- Nautan, Distt.- West Champaran.
3. Saroj Devi aged about 31 years (F) W/o Vijay Paswan Resident of Village - Khap Tola, Nautan, P.S.- Nautan, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Advocate
For the State : Mr. Md. Mushtaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-05-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Bashishtha Narayan Mishra, learned counsel for the petitioners and Mr. Md. Mushtaque Alam, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Nautan PS Case No. 271 of 2019 dated 08.07.2019, instituted under Section 304(B)/34 of the Indian Penal Code.

4. The petitioner no. 1 is the elder brother of the husband of the deceased, petitioner no. 2 is the younger brother of the



husband of the deceased whereas petitioner no. 3 is the wife of petitioner no. 1.

5. Learned counsel for the petitioners submitted that they are living separately and further that marriage had taken place on 05.06.2019 and the death occurred on 08.07.2019, i.e., approximately within one month. Thus, it was submitted that it cannot be believed that the petitioners would commit such serious crime within such short span without waiting for the fulfilment of dowry demand, even if, for the sake of argument, it is accepted to be true. It was submitted that in the FIR itself the informant has stated that he had given motorcycle, ornaments including gold ring, nose ring, ear ring and furniture also and, thus, it cannot be believed that within such a short span she would be burnt to death. Further, it was submitted that the petitioners no. 1 and 3 had gone to the maternal house of the petitioner no. 3 to see her ailing mother and were not present on the fateful day and on hearing the news they had come to the village. It was submitted that even the petitioner no. 2 lived with his parents separately from the deceased and her husband. Learned counsel submitted that the husband of the petitioner is in custody and the petitioners have no criminal antecedent. It was submitted that witnesses have stated that on seeing fire from the house they had rushed to the spot and they had



broken open the door and had found the victim who was on fire with smell of kerosene oil.

6. Learned APP, from the case diary, submitted that a young woman has been burnt to death. However, it was not controverted that death occurred about a month from marriage and that witnesses have stated that they had rushed to the house and had broken open to the door find the deceased burning.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran in Nautan PS Case No. 271 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their



bail bonds. The petitioners shall cooperate with the Court/police/prosecution. Failure to cooperate shall also lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

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

(Ahsanuddin Amanullah, J)

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