

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38997 of 2020**

Arising Out of PS. Case No.-43 Year-2020 Thana- PUSA District- Samastipur

1. SULEKHA DEVI Wife of Late Hira Paswan Daughter of Pappu Paswan,
Resident of Village - Mahmudda, P.S. - Pusa, District - Samastipur
 2. Pappu Paswan Son of Late Prabhu Paswan Daughter of Pappu Paswan,
Resident of Village - Mahmudda, P.S. - Pusa, District - Samastipur
- Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar, Sr. Advocate Mr. Rohit Raj, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar -1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 20-07-2021 Heard learned Senior Counsel for the petitioners and
learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Pusa P.S. Case No. 43 of 2020 registered for the offences punishable under Section 364, 506/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioners submits that the whole case is based on mere suspicion. The informant who is Bhabhi of Hira Paswan has alleged that her Dewar had a telephonic call with his father-in-law and when he desired to visit his sasural and his father-in-law forbade him not to come otherwise he would be killed and will be thrown in the river.

It is further submitted that the said Hira Paswan went



to his sasural but did not return home. On the bank of river a T-Shirt has been found and the same has been identified by the husband of the informant as that belonging to said Hira Paswan, however, the dead body of the victim has not been found and therefore it is not known whether he is still alive or not. Petitioners are the wife and father-in-law respectively of said Hira Paswan, according to him there is no eye witness to the alleged occurrence and no material in this regard has been collected by the I.O. in course of investigation. Both the petitioners are in custody since 08.07.2020, petitioner no. 1 is suffering from excessive bleeding for few years only, she was referred to Sadar Hospital, Samastipur for transfusion of blood during her judicial custody and was required to continuous checkup by the doctors. Petitioner no. 2 is suffering from abdomen wound and he is undergoing treatment at Mahavir Cancer Sansthan, Phulwarisharif, Patna.

Mr. Anant Kumar-1, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners but has categorically informed this Court that in the case diary there is no material save and except the suspicion.

Considering the facts and circumstances of the case wherein no material has been brought to the notice of this Court



against the petitioners and learned A.P.P. admits in course of submission that in the case diary there is no material and the whole case is based on suspicion, this Court directs release of the petitioners above-named 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 Chief Judicial Magistrate, Samastipur in connection with Pusa P.S. Case No. 43 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 antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

