

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9148 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- ANDHRATHARHI District- Madhubani

RAM NARESH PASWAN SON OF DULAR CHANDRA PASWAN @
DULAR CHAND PASWAN RESIDENT OF VILLAGE- RANJANPURA,
P.S.- ANDHRA-THARHI, DISTRICT- MADHUBANI.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. VIMLA DEVI WIFE OF VISHWANATH PASWAN RESIDENT OF VILLAGE- BAUSI, KHARHORA TOL, P.S.- BABUBARAHI, DISTRICT- MADHUBANI.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-08-2021 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 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 Andhra-tharhi PS Case No. 57 of 2020 registered under Sections 304(B) and 201 of the IPC.

The informant has alleged that the petitioner, his son-in-law has killed his daughter.

Learned Counsel for the petitioner submits that in the FIR there is no allegation regarding demand of dowry. FIR has been lodged after a delay of more than an week i.e. on 1.8.2020 in relation to an occurrence which took place on 24.7.2020. The FIR shows that the same is based only on suspicion. He also submits that the death has occurred on account of snake bite on 24.7.2020. Intimation was



given to the informant, whereafter cremation was done. Therefore the FIR has been lodged belatedly based on afterthought. The petitioner is in custody since 26.8.2020.

Case diary had been called for earlier. Learned APP has assisted the Court with reference to the same. From the entire materials in the case diary he has not been able to show that any of the neighbours or any person in the locality of the petitioner has supported the killing by the petitioner. He however refers to the statement of the victim's brother and uncle recorded supporting the prosecution.

Considering the rival submissions as also the facts and circumstances of the case, 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 ACJM 3rd Jhanjharpur, Madhubani in Andhra-tharhi PS Case No. 57 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)

SNkumar/-

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

