

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12239 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- PIYAR District- Muzaffarpur

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1. SHANKAR PASWAN Son of Late Palatu Paswan Resident of Village Mutalupur P.S. Piar (Hatha O.P.), District - Muzaffarpur.
 2. Tetari Devi Wife of Shankar Paswan Resident of Village Mutalupur P.S. Piar (Hatha O.P.), District - Muzaffarpur.
 3. Sushil Kumar @ Sushil Paswan Son of Shankar Paswan Resident of Village Mutalupur P.S. Piar (Hatha O.P.), District - Muzaffarpur.
 4. Archana Kumari @ Archana Devi Wife of Sushil Kumar @ Sushil Paswan Resident of Village Mutalupur P.S. Piar (Hatha O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Tuntun Paswan Son of Ram Briksh Paswan Resident of Village Balupur P.S. - Warisnagar, District - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sadhna Suman
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-02-2022 Heard the learned counsel for the petitioners

and the learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Piar (Hatha) P.S. Case No.

93/2020 instituted for the offence under Sections 304B/34

of the Indian Penal Code.

By order dated 23.12.2021, the petitioners nos.

2 and 4 on the ground of their being ladies and there being



no specific accusation against them were granted provisional bail and case diary was called for.

The case diary has since been received.

The learned counsel for the petitioners has informed this Court that after the rejection of the anticipatory bail petition of the husband of the deceased, he has surrendered to the process of law on 20.01.2022.

This fact is stated to have been brought on record by way of a supplementary affidavit which is not part of the record.

However, believing the statement of the learned counsel for the petitioners to be true, this Court finds that the accusation against all the petitioners in the present petition is general and omnibus and they appear to have been made accused in this case only because of their relationship with the husband of the deceased.

The petitioner nos. 1 and 3 are the father-in-law and the brother-in-law of the deceased whereas the petitioner nos. 2 and 4 are the mother-in-law and the sister-in-law of the deceased.



The learned counsel for the petitioners has also drawn the attention of this Court to the fact that the accusation is based on suspicion and nothing else. The deceased and her husband had been living separately with no interference from the family members of the husband of the deceased including the petitioners. No specific evidence has been collected during the course of investigation and, therefore, it has been urged on behalf of the petitioners that no useful purpose would be served in sending the petitioners to jail.

The petitioners assure that they shall participate in the investigation if the case is still pending investigation and if the case goes to trial, they shall participate in the trial also.

Considering the afore-noted submissions on behalf of the petitioners, the provisional bail granted to the petitioner nos. 2 and 4, is hereby confirmed.

They shall remain on the same bail bonds.

The petitioner nos. 1 and 3 are also directed to be released on bail, in the event of their arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Muzaffarpur, in connection with Piar (Hatha) P.S. Case No. 93/2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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