

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4060 of 2022

Arising Out of PS. Case No.-771 Year-2021 Thana- FORBESGANJ District- Araria

1. Abhishek Paswan @ Abhishek Kumar Son Of Binod Paswan Resident Of Village - Haripur Ward No.09, P.S.- Forbesganj, Distt.- Araria.
2. Anil Paswan Son Of Late Suresh Paswan Resident Of Village - Haripur Ward No.09, P.S.- Forbesganj, Distt.- Araria.
3. Sushil Paswan Son Of Late Suresh Paswan Resident Of Village - Haripur Ward No.09, P.S.- Forbesganj, Distt.- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners in the present case are seeking regular bail in connection with Forbesganj P.S. Case No. 771 of 2021 registered for the offences punishable under Sections 306/34 of the Indian Penal Code. Petitioner nos. 1 and 2 are in custody since 26.09.2021 and petitioner no. 3 is in custody since 28.10.2021 respectively. The petitioners have no criminal antecedent.



Learned counsel for the petitioners submits that as per the prosecution story, the daughter of the informant was married to Vishal Paswan and lived with him at Idgah Tola for 17 days, thereafter Vishal's Uncle, namely, Anil Paswan (petitioner no. 2) took both of them but left the daughter of the informant near Haripur. Thereafter the daughter of the informant started living with her maternal aunt namely Pinki Devi at Parwaha Hat. After some days, husband of the daughter of the informant, petitioner no. 1 who is the baisur of the deceased, petitioner no. 2, petitioner no. 3 and Rajeev Paswan who are the cousin fathers-in-law of the deceased started demanding dowry of Rs. 3 lakhs in cash and a motorcycle. The daughter of the informant went to see her mother-in-law with her maternal aunt where husband of the daughter of the informant and other family members started assaulting them on which her maternal aunt ran away from in-laws house. When the informant came to know about all this, her family members started searching the daughter of the informant and found her dead body from a canal.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. It is submitted that these petitioners have been made accused only



because they happened to be related with Vishal Paswan with whom the daughter of the informant had married. It is also submitted that these petitioners live separately in mess and business from the family of Vishal Paswan. Petitioner nos. 1 and 2 are in custody since 26.09.2021 and petitioner no. 3 is in custody since 28.10.2021 respectively. The petitioners have no criminal antecedent

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the submissions that these petitioners have been made accused only because they happened to be related with Vishal Paswan with whom the daughter of the informant had married, petitioner no. 1 is the Bhaisur, petitioner no. 2 and 3 are cousin father-in-law and they live separately in mess and business from the family of Vishal Paswan, petitioner nos. 1 and 2 are in custody since 26.09.2021 and petitioner no 3 is in custody since 28.10.2021 respectively, they have no criminal antecedents, investigation against them is complete and their presence may also be secured in course of trial, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each



to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 771 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

