

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14903 of 2022

Arising Out of PS. Case No.-23 Year-2020 Thana- HASPURA District- Aurangabad

Sikander Paswan, S/o Lallan Paswan Resident of Village- Tankuppi, P.S.-
Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Saket Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel along with Mr. Saket Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar
Singh, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Haspura P.S. Case No. 23 of 2020, for the offence punishable
under Sections 304 (B), 201/34 of the Indian Penal Code.

The prosecution case, in brief, is that in the year 2019,
the petitioner was married with the daughter of the informant
and the accused persons, who are the inlaws of the deceased
started demanding television in dowry and used to torture her
for non-fulfillment of the same. The informant got information



that his daughter has been killed by her in-laws and dead body has been disposed of.

Sri Krishna Prasad, learned Senior Counsel appearing on behalf of the petitioner submits that in paragraph No. 9 of the bail application, he has stated that petitioner resides separately and their property has already been divided and the same is substantiated from the testimony of the witnesses recorded under Section 161 Cr.P.C. in paragraph nos. 34, 35, 36 and 41 of the case diary. The petitioner has no concern with the matrimonial affairs of the husband of the deceased. The petitioner is not involved in any manner in the alleged allegation of torture and demand of television from the father of the deceased or from the deceased. The petitioner is the elder brother-in-law of the deceased. The petitioner is in custody since 20.12.2021 and Chargesheet has already been submitted. On these grounds the petitioner seeks to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submitted that there is direct involvement of the petitioner and sufficient material has been collected in course of investigation. The dead body of the deceased was disposed of and allegation of demand of dowry and torture is also substantiated. It would not be proper in the



interest of the society to release the petitioner on bail.

Having heard the rival submission of the learned counsel for the parties, the petitioner is named in the F.I.R. From the testimony of independent witnesses recorded under Section 161 Cr.P.C., particularly, in paragraph nos. 34, 35, 36 and 41 of the case diary, it appears that petitioner was separated with his brother and other family members. In this regard, a specific statement has been made in paragraph No.9 of the bail application. The petitioner has remained in custody since 20.12.2021 and the trial of the petitioner is not likely to be concluded in near future. Prima facie, the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Daudnagar, Aurangabad in connection with Haspura P.S. Case No. 23 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The petitioner shall appear on each and every date fixed in the trial Court.

(Purnendu Singh, J)

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