

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29900 of 2021

Arising Out of PS. Case No.-1 Year-2019 Thana- NAGARNAUSA District- Nalanda

1. Virmani Paswan S/o Sri Yogendra Paswan R/o Village-Shahpur, P.S-Nagarnausa, District-Nalanda At Biharsharif.
2. Samucha Devi @ Sabuja Devi W/o Sri Yogendra Paswan R/o Village-Shahpur, P.S-Nagarnausa, District-Nalanda At Biharsharif.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-06-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Learned counsel for the petitioners submits that during the pendency of the present petition petitioner no.2 Samucha Devi @ Sabuja Devi has been arrested and therefore this application with regard to the aforesaid petitioner has become infructuous. Hence, he seeks permission to withdraw this application with regard to petitioner no.2 only.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

According to prosecution case, the written statement



of the informant namely Krishna Paswan that his daughter namely Jyoti Devi, the deceased, was married with Nagmani Paswan in the year 2012 as per the Hindu rites and rituals. After 3 years of the marriage the informant's daughter had resided in laws house in good atmosphere and from that wedlock deceased was blessed with a female child, thereafter she came to her Maika and told to her father, the informant, that accused persons Husband Nagmani Paswan father-in-law Yogendra paswan, Dewar Virmani Paswan and mother-in-law Samucha Devi were demanding Rs. 1 lack or one Katha land and thereatened that if the demand was not fulfilled she would be ousted from home. Thereafter, the informant with own villagers went to the house of accused person i.e. Shahpur, and resolved the matter by convincing them about his poverty and liabilities of marriage of his other daughters. After their return few days later Nagmani Paswan came to informant's village and take back the Jyoti Devi, daughter of informant. But thereafter said Nagmani Paswan had again demanded Rs. 1 lack or 1 Katha land in case of otherwise it would be wrong. On 02.01.2019 the informant got information by his demand that his daughter was died to to cold stock, then informant with his father and other family members reached at deceased in laws house where they found



her daughter died but he observed that her daughter was beaten and some smell was coming out from her mouth.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the ground that the petitioner is the brother-in-law of the deceased. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the petitioner and there is no specific allegation of overt-act or demand of dowry against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner no.1, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Nagarnausa P.S. Case No. 01 of 2019 corresponding to G.R. No. 08 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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