

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30055 of 2021

Arising Out of PS. Case No.-235 Year-2020 Thana- NAVINAGAR District- Aurangabad

BIRBAL PASWAN Son of Late Ramjanam Paswan Resident of Village -
Budhi Bandh, P.S. - Nabinagar, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr.Adv.
	:	Ms.Leelawati Kumari,Adv
For the Opposite Party/s	:	Mr.Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 328, 302 and 34 of the Indian Penal Code.

The informant Krishna Paswan, who is brother of deceased Prabha Devi, lodged FIR stating therein that the marriage of his sister was solemnized with the petitioner. Petitioner used to torture her (deceased) and always asked her that she was not able to be kept in his house. He has further



alleged that on 22.10.2020, petitioner and his second wife committed murder of deceased Prabha Devi by administering her poison.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that as per allegation as alleged in the FIR the informant alleged that the husband of the deceased and second wife administered poison to the deceased. He further submits that F.S.L. Report reveals that no Metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile poison could be detected in the contents of plastic jars as described above and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nabinagar Police Station Case No.235 of 2020, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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