

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27272 of 2022

Arising Out of PS. Case No.-237 Year-2021 Thana- MAHISHI District- Saharsa

MANISH KUMAR PASWAN Son of Gurudev Paswan Resident of Village-
Pastwar, P.S.- Mahishi, District- Saharsa. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 304(B) of the
Indian Penal Code, in connection with Mahishi P.S. Case No.
237 of 2021.

As per the prosecution story, the informant got
knowledge that her sister has been killed by the in-laws
including the petitioner (husband) in pursuance of demand of
dowry.

The learned counsel for the petitioner submits that a
bare perusal of Annexure-2 which was a Complaint Case No.
851 of 2021 preferred by the petitioner before the Court of
learned CJM, Saharsa would show that the lady Kamini was



married to one Prabhat Paswan and they were blessed with a child, Madhu and he was forcibly picked up and locked in a room by informant's side and forced to sign some documents showing him as husband of the said lady. Accordingly the said complaint was lodged in the matter.

Learned counsel for the petitioner submits that in this background, the fact that charge-sheet has been submitted under Section 306 IPC would show that the petitioner has no role to play in the matter and has been dragged as a husband only to ruin his future.

Considering the fact that the petitioner is only 22 years old, charge-sheet stands submitted under Section 306 IPC and there was a Complaint preferred in 2021 prior to the FIR, this Court is inclined to grant him the privilege of bail. However, it is found that the document that the petitioner has annexed as Complaint Case is false and was never presented before the Court or any of the statement made in the bail application is wrong/false, the bail order shall become infructuous. The Trial court shall ascertain the complaint petitions genuineness through its certified copy before releasing the petitioner on bail.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-II, Saharsa, in connection with Mahishi P.S. Case No. 237 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

Nothing observed in this bail application shall be taken for consideration in course of the trial.

(Rajiv Roy, J)

Ravi/Ajay Singh

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