

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49069 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- PARSABAZAR District- Patna

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MITHUN PASWAN @ MITHUN KUMAR Son of Brijnandan Paswan
Resident of Village - and P.O.- Suiya, P.S.- Parsa Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satrudhan Kumar, Adv

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 19-05-2022 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 offence punishable under Sections 498(A),326,307,34 of the IPC and Section 3/4 of Dowry Prohibition Act. Later on Section 304B IPC was added.

Allegation in the FIR is that the informant's daughter has been set ablaze after sprinkling kerosene oil by the father-in-law, mother-in-law and "Bhaisur".

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 ground that the petitioner is husband of the deceased. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.06.2020.

Vide order dated 24.03.2022, a report was called for with regard to the stage of the trial. Report reveals that the charge has been framed against the petitioner on 30.03.2022 and till date no prosecution witnesses have been examined and the case is pending for prosecution evidence.

Learned counsel for the petitioner submits that in view of the report there is no chance of early conclusion of the trial in near future and the petitioner is in custody near about two years.

Learned A.P.P. for the State, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner of pouring the Kerosene oil on the body of the deceased and the



mother-in-law has ignited magicstic.

Considering the aforesaid facts and period of custody, 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 Parsa Bazar P.S. Case No.238 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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