

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43073 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- KHODAWANDPUR District- Begusarai

Bikrant Kumar Paswan @ Bikram Kumar, Son of Sri Kamleshwari Paswan @
Kamal Paswan, Resident of Village- Khodawandpur, Mushahri, P.S.-
Khodwandpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahai, Advocate
		Mr. Randhir Kumar No.1, Advocate
For the Opposite Party/s :		Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 13-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ravi Shankar Sahai, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor.

The petitioner seeks regular bail, who is in custody in
connection with Khodawanpur P.S. Case No. 28 of 2020
registered for the offences punishable under Sections
304(B)/120(B)/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the
marriage of the daughter of the informant was solemnised in the
year 2018 and thereafter she was subjected to torture for
demand of dowry at the hands of the accused persons. It is



further alleged that on 31.01.2020, the informant received an information that her daughter has been done to death by all the accused persons including this petitioner.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation against all the accused persons and the petitioner being husband of the deceased is in custody since 12.02.2020. It is next submitted that during the course of investigation, the statements of the family members of the deceased were recorded and they have stated that on account of conduct of the petitioner and the frustration, the deceased has committed suicide. It is next submitted that even the post-mortem report suggests that it is a case of suicide and the matter is required to be adjudicated in the trial. It is further submitted that after framing of the charges, three witnesses have been examined during the course of trial, but none of the witnesses have supported the prosecution case and moreover, the informant and her family members after having come to know that the FIR has been instituted on a mistaken belief, they have compromised the matter and do not want to proceed any further in the matter.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the



petitioner happens to be the husband of the deceased and the death has occurred within seven years of the marriage and soon before the death she was subjected to torture on account of demand of dowry and as such the petitioner does not deserve the privilege of bail.

Having regard to the submissions and taking into consideration the fact that the family members, whose statements have been recorded by the police, have categorically stated that the deceased has committed suicide due to frustration and moreover the post-mortem report also suggests that it might be a case of suicide and this petitioner is in custody since 12.02.2020, apart from the fact that in the course of trial, till date none of the witnesses has supported the prosecution case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur P.S. Case No. 28 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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