

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47167 of 2021

Arising Out of PS. Case No.-19 Year-2020 Thana- BANMANKHI District- Purnia

BIPIN PASWAN @ BIPIN KUMAR Son of Bultun Paswan Resident of
Banmankhi, Chaklatola Ward No.- 5, P.S.- Banmankhi, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 18-05-2022 The applicant/accused in Crime No. 19 of 2020 registered with Banmankhi Police Station for the offences punishable under Sections 498A, 363, 365/34 of the IPC and later on Sections 304(B) and 201 of the IPC have been added, by this application is seeking his release on bail during pendency of the trial.

This is second bail application of the applicant. His earlier bail application was disposed of with a direction to conclude the trial within a period of nine months vide order dated 09.11.2020.

Heard both sides.

The learned counsel for the applicant argued that on 27.11.2020, the charge has been framed and thereafter there is no progress in the trial. It is further argued that the applicant is



undergoing pre-trial detention since 20.01.2020 and therefore he is entitled for bail.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advance and also perused the materials placed before me.

The FIR of the subject crime was lodged by Dev Narayan Paswan who happens to be father of deceased Ruby Devi. The applicant is husband of Ruby Devi. The marriage took place on 17.03.2013. Deceased Ruby Devi was driven out of the house on 14.01.2020. It is argued that her dead body was fished out of the pond on 16.01.2020.

First informant Dev Narayan Paswan alleged that on 14.01.2020 because of some dispute, her matrimonial relatives had assaulted Ruby Devi and had driven her out of the house. Similar is the statement of Girish Paswan, the villager where matrimonial house of Ruby Devi is situated. Pintu Paswan is brother of the deceased. He alleged that Ruby Devi was subjected to harassment on account of demand of dowry.

Co-accused Bultun Paswan who happens to be father-in-law of the deceased was granted bail by very same order dated 09.11.2020 by which the application of the applicant was



rejected. Evidence against the applicant and this co-accused Bultun Paswan is same. The trial has not progress despite lapse of period of nine months as granted by the co-ordinate Bench of this Court on earlier occasion. The offence is not exclusively punishable with life imprisonment. For all these reasons, further pre-trial detention of the applicant is not warranted and therefore the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 19 of 2020 registered with Banmankhi Police Station (S.T. No. 140/2020) for the offences punishable under Sections 498A, 363, 365/34 of the IPC and later on Sections 304(B) and 201 of the IPC have been added, be released on bail on executing P.R. bond of Rs. 10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.



(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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