

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42695 of 2022

Arising Out of PS. Case No.-198 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. AJAY PASWAN S/o Aklu Paswan Resident of Village - Methanpur, Police Station- Meenapur, District - Muzaffarpur.
2. Sanoj Paswan Son of Aklu Paswan Resident of Village - Methanpur, Police Station- Meenapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

The informant alleges that informant's daughter
(deceased) was married to Manoj Paswan fifteen years ago and
from marriage three children were born. It is further alleged that
deceased was tortured by Manoj Paswan and his brothers i.e. the



petitioners. Further, the accused persons demanded cash and motorcycle from the informant. It is further alleged that on 01.06.2022, the informant was informed that the accused persons including the petitioners have killed the victim and when he came at the place of occurrence he saw the dead body of his daughter.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the marriage was fifteen years old and in between these fifteen years, no case ever came to be instituted either by the deceased or the informant. It is next submitted that petitioners are brother of the husband of the deceased and are living separately. It is also submitted that the informant is not an eyewitness to the occurrence and the postmortem report records asphyxia due to hanging. It is further submitted that it appears that on account of dispute with her husband, the deceased committed suicide or else if she would have been killed by the accused persons then definitely efforts would have been made to cremate the dead body. It is next submitted that the husband of the deceased is also availing his remedy available in law and presently his anticipatory bail



application has been rejected by the learned District Court.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Minapur P.S. Case No. 198 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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