

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52774 of 2021

Arising Out of PS. Case No.-414 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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Santosh Paswan, Son of Babulal Paswan, Resident of Village - Belahi, P.S. -
Malahi (Govindganj), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Govindganj (Malahi) P.S. Case No. 414 of 2020
registered for the alleged offences under Sections 302, 201, 34
of the Indian Penal Code and later on Sections 306/201 was also
added.

The Prosecution case is based on the written report
of Malti Devi wherein she has alleged that the petitioner, who is
husband of her daughter had been demanding motorcycle and



on non-fulfillment of this demand, torturing her daughter. Further allegation is that the petitioner and other co-accused persons committed murder of his daughter and disposed of the dead body in order to remove the evidence.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has been named in this case merely on suspicion, otherwise his relationship with the deceased wife was quite cordial and there has been no demand for dowry or torturing the deceased on non-fulfillment of this demand. The wife of the petitioner committed suicide and the petitioner informed his in-laws about the death and they even participated in the funeral. The learned counsel further submits that even the police has submitted charge-sheet against this petitioner only under Section 306 and 201 of the Indian Penal Code and did not send other co-accused person to face the trial. The petitioner is in custody since 05.06.2021.

Learned APP opposes the prayer for bail of the petitioner.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been



submitted under Section 306 read with Section 201 of the Indian Penal Code and there is hardly any evidence on record showing abetment by this petitioner and further considering the fact that the petitioner is in custody since 05.06.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, East Champaran at Motihari in connection with Govindganj (Malahi) P.S. Case No. 414 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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