

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52925 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- KARPI District- Jehanabad

=====

SUDHIR PASWAN @ SUDHIR KUMAR, SON OF SURESH PASWAN
RESIDENT OF VILLAGE- MAKHMILAPUR, P.S. - KARPI, DISTRICT -
ARWAL, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Rajendra Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-02-2022 Heard the learned counsel for the petitioner and the

learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Karpi P.S.
Case No. 45 of 2020, instituted for the offences under Sections
304(B), 201, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 06.10.2020 and charges have been
framed.

The learned counsel for the petitioner submits that
informant alleges that his daughter (deceased) was married to
the petitioner in the year 2014 and had a daughter from the
wedlock, further after marriage, the accused person including
the petitioner were demanding money by way of dowry and



used to assault the deceased for non-fulfillment of the same, further, that on 10.03.2020, informant was informed by Mohan Ram that deceased has been killed by the accused persons and the body has been cremated.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the marriage was performed in the year 2014 and a child was also born out of the wedlock. As far as allegation of dowry is concerned, the FIR is completely silent with regard to the amount which was being demanded which also creates a doubt with regard to the veracity of the allegation. The learned counsel submits that on account of some trivial dispute, the victim tried to commit suicide by putting herself on firing but the petitioner made endeavours to save her and accordingly, the victim was taken to Karpi Primary Health Centre for treatment from where she was referred to Sadar Hospital, Arwal and accordingly, she was admitted in Sadar Hospital, Arwal vide serial No.2886, which would be evident from the register of the hospital. The learned counsel submits that the informant was aware of all these facts and even had come to the hospital when the victim was under treatment and had also received the papers regarding the treatment and thereafter falsely implicated the



petitioner without disclosing the fact that the victim was treated in Primary Health Centre, Karpi and Sadar Hospital, Arwal. The learned counsel for the petitioner further submits that no doubt trial is going on but the evidence, which is there in favour of the petitioner, will never be brought by the prosecution and then for want of evidence, the petitioner may not get an opportunity to prove his innocence, the learned counsel further submits that the petitioner also has a child. The learned counsel further submits that from Sadar hospital, Arwal the victim was referred to PMCH and on way to PMCH, she died. The learned counsel thus submits that from the conduct of the petitioner, it would manifest that he made endeavors to save his wife, who in anger had tried to commit suicide. The learned counsel further submits that the marriage was nearly seven years old and in between 7 years, no complain of any sort was made against him. It is further submitted that the petitioner despite making all endeavours to save his wife was not able to save her.

The learned A.P.P. vehemently opposes the bail application.

Considering the fact that petitioner is in custody since 06.10.2020 and charges have been framed and taking into consideration the submission of the learned counsel for the



petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-V, Jehanabad, in connection with Karpi P.S. Case No. 45 of 2020 (S. Tr. No. 68 of 2021/34 of 2021), with a condition that one of the bailor shall be the father of the petitioner (Suresh Paswan) and if the petitioner does not appear in the trial even on one date without any plausible explanation, the Court below will forthwith cancel his bail bond.

The application stands allowed.

(Satyavrat Verma, J)

sanjeev/-

U		T	
---	--	---	--

