

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44307 of 2022

Arising Out of PS. Case No.-207 Year-2020 Thana- KOCHAS District- Rohtas

Abhinay Paswan @ Abhinaw Paswan @ Abhinaw Kumar Paswan, S/O
Ravindra Paswan, Resident of village- Kuchhila, P.S.- Kochas, District-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the State : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kochas P.S. Case No. 207 of 2020 registered
for the alleged offences under Sections 304B and 34 of the
Indian Penal Code.

As per prosecution case, the daughter of the
informant was married with the petitioner and there is allegation
that she was being tortured on account of non-fulfillment of
demand of dowry. Further allegation is that the petitioner was
having illicit relationship outside his marriage with other girls

and he got his wife killed by his family members while he was away from the place. The informant has alleged that the petitioner and other co-accused persons strangled his daughter to death for a gold chain.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The whole prosecution story is false and concocted. No occurrence as alleged has ever taken place. From the F.I.R. it is clear that there is only general and omnibus allegation of demand of dowry and torture is against the petitioner and others. It is also clear from the F.I.R. that husband of the deceased was not present at the place of occurrence though allegation is that he has conspired with other co-accused persons and went outside and his family members murdered the wife of the petitioner. The petitioner has gone outside to earn his livelihood and meanwhile the daughter of the informant committed suicide when no family members were present in the house. During investigation, a number of witnesses have stated that deceased had committed suicide when none of the family members were present in the house. For this reason, charge sheet has been submitted under Section 306/34 of the Indian Penal Code. The petitioner is in custody since 06.04.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that there is allegation of causing dowry death of the daughter of the informant.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that charge sheet has been submitted in this case under Section 306 with admitted position about the petitioner not being present during the event and also considering the submission of charge sheet along with period of custody of the petitioner, 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 A.C.J.M.-cum-Sub-Judge-V, Sasaram, District-Rohtas in connection with Kochas P.S. Case No. 207 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on 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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