

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.56774 of 2021

Arising Out of PS. Case No.-133 Year-2018 Thana- CHAND District- Kaimur (Bhabua)

Manoj Paswan, Son of Ramchandra Paswan, Resident of Village - Lohadan,
P.S.- Chand, District - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate
Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-04-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Chand P.S. Case No. 133 of 2018 for the
offences punishable under Sections 302/34 of the Indian Penal
Code. Later on Section 306 of the Indian Penal Code has been
added.

The prosecution case as alleged in the F.I.R. is that on



the alleged date of occurrence the informant (petitioner) got an information about the death of his wife and when he came back to his home he found the body of his wife in hanging position. Initially the F.I.R. has been registered against accused persons named in the F.I.R. on the ground that earlier because of some dispute regarding drainage they threatened the petitioner and his wife.

It is submitted on behalf of learned counsel for the petitioner that there is no eye witness to the alleged occurrence. However, during the course of investigation, the statement of the independent witnesses were recorded and they narrated that there was bad relationship between the husband and wife, which might have resulted into suicide of the wife of this petitioner and accordingly the police after investigation submitted charge-sheet against this petitioner under Section 306 of the Indian Penal Code. It is next submitted that except the suspicion there is no material, which suggest the complicity of this petitioner and this petitioner is having no criminal antecedent and he is in custody since 25.06.2021.

On the other hand, learned APP for the State submitted that the police after investigation found that no case



under Section 302 of the Indian Penal Code is made out, rather submitted charge-sheet under Section 306 of the Indian Penal Code against this petitioner.

Having heard the learned counsel for the parties and taking into consideration the fact that except suspicion that there was no cordial relation between the husband and wife, there is no material on the record which suggest the complicity of this petitioner and the petitioner is in custody since 25.06.2021 having clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Kaimur at Bhabua in connection with Chand P.S. Case No. 133 of 2018 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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