

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58587 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- MANSURCHAK District- Begusarai

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Ajit Paswan S/O Ramswarath Paswan R/O Village-Rajapur Ragho Ward No. 13, P.S-Mansurchak, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-09-2022 The present application is being taken up on priority basis on the urgent motion slip filed by the learned counsel for the petitioner, praying therein that the son of the petitioner, aged about five years has fell down from roof causing fracture injury.

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.

Learned counsel for the petitioner seeks permission to make necessary correction in paragraph 14 of the application with regard to custody of the petitioner.

Permission is accorded.

Heard Mr. Manoj Kumar Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.



The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Mansurchak P. S. Case No. 29 of 2020 registered for the offences punishable under Section 304 (b) read with 34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that the marriage of the daughter of the informant was solemnized with co-accused Rakesh Kumar just 6 to 7 months ago. It is also alleged that after some time of their marriage, the husband of the victim and his family members started demanding dowry and on account of non-fulfilment of the same, she was subjected to torture by various means. On 23.03.2020, the informant received an information that his daughter is done to death by all the accused persons.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be brother-in-law of the deceased and he has been residing separately for the last five to six years and he has no concern with the husband of the deceased. It is further submitted that there is no specific allegation against the petitioner with regard to the demand of dowry or torture rather general and omnibus allegation has been



levelled against all the co-accused persons. It is next submitted that now the trial has been commenced and few of the charge sheet witnesses have been examined, however, none of them including the informant have supported the prosecution case. It is last submitted that the petitioner being brother-in-law, having fair antecedent, is in custody since 28.02.2021.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner happens to be brother-in-law of the deceased residing separately having no specific allegation and is in custody since 28.02.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- III, Begusarai in connection with Mansurchak P. S. Case No. 29 of 2020, subject to the condition that one of the bailors will be the close relative 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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