

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66021 of 2021

Arising Out of PS. Case No.-771 Year-2021 Thana- FORBESGANJ District- Araria

Rajeev Paswan S/O Late Umesh Paswan Residence Of Village- Haripur Ward
No. 09, P.S.- Forbesganj, District- Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Navin Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Forbesganj P.S. Case No. 771 of 2021 registered for the offences punishable under Sections 306, 34 of the Indian Penal Code. He is in custody since 28.09.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the daughter of the informant was married to Vishal Paswan and lived with him at Idgah Tola for 17 days, thereafter Vishal's Uncle, namely, Anil Paswan took both of them but left the daughter of the informant near Haripur. Thereafter the daughter of the informant started living with her maternal aunt



namely Pinki Devi at Parwaha Hat. After some days, in-laws started demanding dowry of Rs. 3 lakhs in cash and a motorcycle. The daughter of the informant went to see her mother-in-law with her maternal aunt where husband of the daughter of the informant and other family members started assaulting them on which her maternal aunt ran away from in-laws house. When the informant came to know about all this, her family members started searching the daughter of the informant and found her dead body from a canal.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no specific allegation against the petitioner. It is submitted that the petitioner lives separately in mess and business. The petitioner has remained in custody since 28.09.2021 having no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that this petitioner is the cousin brother of the father-in-law of the deceased, the FIR has been lodged for the offences under Section 306/34 IPC but so far as this petitioner is concerned, there is no specific allegation in the FIR, he has been made accused even though he is distantly related with the husband of the deceased and lives separately in mess and business, the petitioner has otherwise no criminal antecedent and has remained in custody since 28.09.2021, investigation against him is complete



and his presence may be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 771 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

