

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70151 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- BARBIGHA District- Sheikhpura

1. Mahendra Paswan S/O Bishundev Paswan R/o village- Ashiyachak, Maur, P.S.- Barbigha, District- Sheikhpura
2. Suraj Kumar @ Raushan Kumar S/o Mahendra Paswan R/o village- Ashiyachak, Maur, P.S.- Barbigha, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioners and
learned APP for the State.

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

In the present case, the petitioners seek bail in
connection with Barbigha P.S. Case No. 79 of 2021 registered
for the alleged offences under Sections 304B/34 of the Indian
Penal Code.

As per prosecution case, the daughter of the informant
was married to co-accused Chandan Paswan, younger brother of
the petitioner no.1. Allegation against the petitioner and other
co-accused persons is that they throttled to death the daughter of



the informant on account of their dowry demand.

The learned counsels for the petitioners submit that the petitioners have not committed any offence as alleged and they have been falsely implicated in this case. The petitioner no.1 is the elder brother of the husband of the deceased and petitioner no.2 is the son of the petitioner no.1 and there is no specific allegation against the petitioners. The petitioners have been living separately from the husband of the deceased. The petitioners, being family members of the husband of the deceased, have been made accused in this case. The petitioners are in custody since 27.09.2021 and charges have been framed in this case.

Learned APP opposes the prayer for bail submitting that the post mortem report shows the death occurred from asphyxia due to throttling. The petitioners have been named in the FIR.

Having regard to the submissions made on behalf of the parties and further considering the non-specific and general nature of allegation against the petitioners and apparent lack of material to connect the petitioners with the alleged offences, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty



thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Barbiga P.S. Case No. 79 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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