

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71466 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- LALGANJ District- Vaishali

1. MEENA DEVI Wife of Jalandhar Paswan Resident of Village - Kamlapur, P.S.- Balganj, District - Vaishali.
2. Jalandhar Paswan Son of Jaleshwar Paswan Resident of Village - Kamlapur, P.S.- Balganj, District - Vaishali
3. Ballam Paswan Son of Jaleshwar Paswan Resident of Village - Kamlapur, P.S.- Balganj, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Vide order dated 10.05.2022 petitioner no. 1 Meena Devi has been granted bail.

The petitioner no. 2 Jalandhar Paswan and petitioner no. 3 Ballam Paswan seek bail in connection with Lalganj P.S. Case No. 136 of 2020 registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.



As per prosecution case, the marriage of informant's sister (deceased) was solemnized in the month of April 2014 with co-accused Tilak Paswan as per Hindu rites. It is alleged that petitioners and others used to torture and assault her for demand of motorcycle and one lakh rupees in cash as dowry. It is further alleged that husband of informant's sister went to Bangalore in connection with livelihood where he developed illicit relationship with another girl. On 12.05.2020 informant's sister was murdered by all the accused persons and the accused persons made her dead body to disappear.

Learned counsel for the petitioners submits that petitioners are in custody since 13.06.2021. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. Learned counsel further submits that petitioners have no concern with the family affairs of the deceased and they reside separately since about 15 years from the family of co-accused Tilak Paswan and got no reason whatsoever in demanding dowry from the deceased (sister of the informant). Petitioners have got no indulgence in alleged occurrence and have falsely been implicated for the reason that petitioners no. 2 and 3 are brother-in-law (Bhaisur) of the deceased and the



allegation of demand of dowry against them is false and fabricated. The allegation are general and omnibus in nature. No material has been found on record to connect the present petitioners with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, charge-sheet has already been submitted, argument advanced on behalf of the parties and the allegation are general and omnibus in nature and also taking into consideration the material available on record, let the petitioners no. 2 Jalandhar Paswan and petitioner no. 3 Ballam Paswan be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 136 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will



remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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