

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.446 of 2022

Arising Out of PS. Case No.-178 Year-2017 Thana- KANTI District- Muzaffarpur

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1. CHEGAN PASWAN S/o Devan Paswan Resident of Village Bahuara, P.S. - Kanti, District - Muzaffarpur.
 2. Sushila Devi Wife of Chegan Paswan Resident of Village Bahuara, P.S. - Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. VISHWANATH PASWAN S/o Late Parikshan Paswan Resident of Village Kanti Kasba, P.S. - Kanti, District - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Kanti P.S. case No.178/2017 registered under



Sections 328, 304(B)/34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners caused death of the daughter of the informant due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The petitioner No.1 is father-in-law and petitioner No.2 is mother-in-law of the deceased. They are separate in mess and property from the husband of the deceased. They have got no concern with the alleged occurrence. The informant has filed a petition in the court below, where he has retracted from his earlier statement made in the F.I.R. Said petition is Annexure 2 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact



that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the facts and circumstances, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned A.C.J.M. 3rd (West), Muzaffarpur in connection with Kanti P.S. case No.178/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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