

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16507 of 2023

Arising Out of PS. Case No.-407 Year-2022 Thana- NAUBATPUR District- Patna

1. Ramanand Paswan Son Of Late Sukhari Paswan R/O Village- Jituchak, P.S.- Naubatpur, District- Patna
2. Malti Devi Wife Of Ramanand Paswan R/O Village- Jituchak, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Learned counsel for the petitioner submits that during the pendency of the bail petition, petitioner no. 2 died and as such he seeks permission to withdraw the petition with respect to petitioner no. 2 as having become infructuous.

Permission is accorded.

The bail petition with respect to petitioner no. 2 stands dismissed as withdrawn as having become infructuous.

Heard learned counsel for the petitioner no. 1 and learned APP for the State.

Petitioner no. 1 seeks bail, who is in custody since 04.07.2022, in connection with Naubatpur P.S. Case No. 407 of 2022, F.I.R. dated 23.06.2022 registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal



Code.

Allegation against the petitioner is of committing murder of the informant's daughter.

Learned counsel for the petitioner no. 1 submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the ground that the petitioner is father-in-law of the deceased. He further submits that as per allegation in the F.I.R. it appears that there is general and omnibus allegation against the petitioner and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that it has come during investigation in paragraph-7 of the case diary that the deceased has committed suicide herself and the husband of the deceased is in custody. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner no. 1, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Danapur, Patna in connection with Naubatpur P.S. Case No. 407 of 2022, subject to the following



conditions :-

(1) Petitioner no. 1 shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner no. 1 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage, it is found that the petitioner no.1 has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner no. 1. 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.

(Rajesh Kumar Verma, J)

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