

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25281 of 2023

Arising Out of PS. Case No.-121 Year-2021 Thana- VIDYAPATINAGAR District-
Samastipur

=====

PREM KUMAR PASWAN @ PREM KUMAR S/O SUBODH PASWAN
Resident of Ward No.- 1, Damdama, P.S.- VidhyapatiNagar, District-
Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Sarandha Suman, Adv.

Mr.Ravi Bhardwaj, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Vidhyapatinagar P.S. Case No. 121 of 2021 registered for the
offence under Sections 304(B), 201 and 34 of the Indian Penal
Code.

The daughter of the informant is subjected to assault
and torture on account of non-fulfillment of demand of dowry by
the petitioner and others and she has finally been done to death
for want of dowry.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the ground that



the petitioner happens to be husband of the deceased. She further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. She further submits that the petitioner was not present at the place of occurrence at the relevant point of time rather he was out of his house. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 13.09.2021 whereas the instant F.I.R. has been lodged on 23.09.2021 after ten days without any explanation. She further submitted that during investigation it has come in the paragraphs 10 and 11 of the case diary that the petitioner was not present at the place/time of occurrence. She further submitted that the petitioner has never demanded any dowry nor he has assaulted the deceased in any manner. She further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.09.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner. He further fairly submit that the according to the paragraphs 10 and 11, the petitioner was not present at the place of occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Dalsinghsarai, Samastipur in connection with Vidyapatnagar P.S. Case No. 121 of 2021 with the following conditions:-

(1) Petitioner 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 step 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.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

