

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32997 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- KACCHWA District- Rohtas

=====

LAKSHMINIYA DEVI @ LAKSHMI DEVI @ LAKSHMINA DEVI Wife
of Harendra Paswan Resident of Village- Maharajganj, PS- Kachhawa,
District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Vinod Shanker Modi

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Kachhawa P.S. Case No. 43 of 2022 registered for the offences
punishable under Sections 304B/34 of the Indian Penal Code.

As per prosecution case, petitioner and others are
alleged to have concertedly committed murder of informant's
sister for not fulfilling the demand of dowry.

Learned counsel for the petitioner submits that
petitioner is in custody since 03.02.2023. Petitioner bears no
criminal antecedent. Learned counsel for the petitioner
specifically submits that charge sheet has already been
submitted in the case and there is no likelihood of tampering



with the prosecution evidence. Learned counsel further submits that petitioner has no concern with affairs of husband of the deceased and partition has already been taken place in between the husband of the petitioner and the husband of the deceased by Gram Panchayat Kachahari. Petitioner has no say in the family affairs of the deceased. Petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Learned counsel further submits that co-accused Bhagwan Paswan and Harendra Paswan on similar accusation have granted bail vide Cr. Misc. No. 28744 of 2023 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, keeping in view clean antecedent of the petitioner, petitioner has no say with the family affairs of the deceased and her husband, co-accused has already been granted bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner 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 A.C.J.M., Ist Bikramganj, District Rohtas in connection with Kachhwa P.S. Case No. 43 of 2022, 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) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkr/-

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

