

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35812 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- AURAI District- Muzaffarpur

SIYARAM PASWAN Son of Binod Paswan Resident of village - Ali Nagar,
P.S. - Aurai, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-10-2023 Heard Mrs. Bela Singh, learned counsel for the
petitioner and Mr. Mithlesh Kumar Khare, learned APP for the
State.

2. The petitioner is apprehending his arrest
connection with Aurai P.S. Case No. 286 of 2022, G.R. No. 5225 of
2022, F.I.R. dated 03.12.2022 registered for the offences
punishable under Sections 304B/34 of the Indian Penal Code.

3. Allegation against the petitioner is of committing
torture and cause death of the victim due to non-fulfillment of
demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. and in fact the petitioner was not present on the date of occurrence and he was in Surat and he was working in Surat for his livelihood and it has come during investigation in paragraph-8 of the case diary that the victim has committed suicide herself and his dead body was hanging with the fan and in the presence of police the dead body of the victim was removed from the fan and no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence except that the petitioner is the husband of the deceased and the family members of the petitioner has already informed the family members of the deceased and they have come before cremation of the dead body of the deceased.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case that the petitioner was not present on the date of occurrence and no material has come to suggest the involvement of the petitioner in the present occurrence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 1st Class, East Muzaffarpur in connection with Aurai P.S. Case No. 286 of 2022, G.R. No. 5225 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner 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 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.

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(Rajesh Kumar Verma, J)

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