

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40095 of 2022

Arising Out of PS. Case No.-387 Year-2019 Thana- ARA NAWADA District- Bhojpur

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ASHOK PASWAN @ ASHOK KUMAR S/O KAPILDEO PASWAN
Resident of Tribhuani Sohara, P.S.- Krishna Math, District- Bhojpur, at
present resident of Village- Sri Tola, P.S.- Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 304-B 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
and she has been done to death by the petitioner and his family
members.

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. He further submits that
petitioner happens to be husband of the deceased and he has
never demanded any dowry nor he assaulted the deceased in any
manner. He further submits that the allegation as alleged in the



F.I.R. is false and fabricated. He further submits that the postmortem report does not support the allegation as leveled in the F.I.R. He further submits that there is no eye witness to the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner.

A report with regard to present stage of the trial has been called for by this Court vide order dated 13.02.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that the record is pending for appearance of the co-accused.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is rotting in judicial custody since 05.06.2019 ie. more than three and half years.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, 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 Court below where the case is pending in connection with Ara Nawada P.S. Case No. 387 of 2019 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)

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