

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47165 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Niro Devi @ Nirmala Devi W/O Late Parikshan Paswan @ Shanichar Paswan Resident Of Village- Bhalpatti (Tole Maheshpur), Police Station- Sadar (BHALPATTI O.P.), District- Darbhanga
 2. Satrohan Paswan @ Shatrudhan Paswan S/O Late Parikshan Paswan @ Shanichar Paswan Resident Of Village- Bhalpatti (Tole Maheshpur), Police Station- Sadar (BHALPATTI O.P.), District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumesh Mishra, Advocate Mr. Rakesh Kumar Jha, Advocate Mr. Govind Jha, Advocate
For the Opposite Party/s :		Mr. Md. Ataur Rahman, APP
For the Informant	:	Mr. Dharendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-09-2023 Heard learned counsel for the petitioners, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. The bail application of Petitioner No. 1, namely, Niro
Devi @ Nirmala Devi has been allowed vide order dated
02.08.2023.

3. Petitioner, namely, Satroghan Paswan @
Shatrudhan Paswan seeks bail who is in custody since
10.06.2022 in connection with Sadar (Bhalpatti O.P.) P.S. Case
No. 313 of 2022, F.I.R. dated 09.06.2022 for the offences



punishable under Sections 304B/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

4. According to prosecution case, all the accused persons including the petitioner have killed the daughter of the informant due to non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner, namely, Satroghan Paswan @ Shatrudhan Paswan submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the ground that he is husband of the deceased. He further submits that from perusal of the F.I.R it appears that there is no specific allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the petitioner has never demanded dowry from the family member of the deceased. He further submits that no external injury was found on the person of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Niro Devi @ Nirmala Devi who happens to be the mother-in-law of the deceased and having similar sets of allegation has been granted bail by this Court vide order dated 02.08.2023 passed in the same Cr. Misc., co-accused, namely, Malti Devi



has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.04.2023 passed in Cr. Misc. No. 72576 of 2022 and another co-accused, namely, Rajendra Paswan has been granted bail by a Co-ordinate Bench of this Court vide order dated 08.05.2023 passed in Cr. Misc. No. 3737 of 2023. The petitioner is in custody since 10.06.2022.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

7. Vide order dated 13.09.2023 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 08.09.2023 reveals that the charge has been framed on 06.06.2023 and there were total 9 prosecution witnesses in the charge sheet but the prosecution had not examined any witnesses as yet.

8. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and even the prosecution has not submitted the F.S.L. report (Viscera report) and the



petitioner is in custody since 10.06.2022 i.e. more than one year.

9. Considering the aforesaid facts that the co-accused persons have been granted bail as well as the report of the learned Trial Court and the period of custody, let the petitioner, namely, **Satroghan Paswan @ Shatrudhan Paswan**, 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 the learned Chief Judicial Magistrate, Darbhanga in connection with Sadar (Bhalpatti O.P.) P.S. Case No. 313 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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