

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48133 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- BHAGWANPUR District- Vaishali

1. CHHATHIYA DEVI @ DIPA DEVI WIFE OF JAILAL PASWAN @ JAILAL RAM @ JAY LAL PASWAN RESIDENT OF VILLAGE- PRATAPTAND, PS- BHAGWANPUR, DISTRICT -VAISHALI
2. RAJU PASWAN SON OF JAILAL PASWAN @ JAILAL RAM @ JAY LAL PASWAN RESIDENT OF VILLAGE- PRATAPTAND, PS- BHAGWANPUR, DISTRICT -VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 27.03.2023 & 26.03.2023 respectively seek bail in connection with Bhagwanpur P.S. Case No.17/2023 dated 21.01.2023, registered for the offences punishable under Sections 304B, 201, 120B & 34 of the I.P.C.

3. According to prosecution case, the petitioners along with other co-accused persons are alleged to have committed murder of the deceased due to non-fulfillment of the demand of dowry.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis that the petitioner no.1 is mother-in-law and the petitioner no.2 is brother-in-law of the



deceased. He further submits that from perusal of the F.I.R., it appears that there is no direct allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the husband of the deceased is in jail, mentioned in paragraph 16 of the bail petition. He further submits that the father-in-law of the deceased namely Jailal Paswan @ Jailal Ram and brother-in-laws namely, Tuntun Paswan and Ram Babu Paswan have been granted bail by co-ordinate Bench of this Court vide order dated 02.08.2023 passed in Cr. Misc. No.40259/2023 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 27.03.2023 & 26.03.2023 respectively.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.17/2023, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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