

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50284 of 2023

Arising Out of PS. Case No.-32 Year-2021 Thana- PAROO District- Muzaffarpur

1. Basmati Devi Wife of Devendra Paswan Resident of village - Saidpur Ganesh Gadha Bahram, P.S. - Paroo, Distt. - Muzaffarpur
2. Rahul Paswan @ Rahul Kumar Son of Surendra Paswan Resident of village - Jatkauli, Thikha, P.s. - Vaishali, Distt. - Vaishali
3. Veena Devi @ Binni Kumar Wife of Rahul Kumar @ Rahul Paswan Resident of village - Jatkauli, Thikha, P.s. - Vaishali, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-10-2023 Heard Mr. Hemant Kumar, learned counsel for the petitioners and Mr. Sanjay Kumar Pandey, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Paroo P.S. Case No. 32 of 2021, F.I.R. dated 02.02.2021 registered for the offences punishable under Sections 304(B), 34 of the Indian Penal Code.

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

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they 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 petitioners have not committed any offence as alleged in the F.I.R. He further submits that in fact petitioner no.1 is mother-in-law, petitioner no. 2 is the brother-in-law and petitioner no. 3 is the sister-in-law of the deceased and they have no concern at all with the present occurrence and the husband of the deceased namely Raunak Paswan @ Raunak Kumar is in judicial custody since 20.09.2023 and from perusal of the F.I.R. it appears that there is general and omnibus allegations against these petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case that the petitioners having clean antecedents and there is no specific allegation against the petitioners as well as husband of the deceased is in judicial custody, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned ACJM III (West), Muzaffarpur in connection with Paroo P.S. Case No. 32 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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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