

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52728 of 2023

Arising Out of PS. Case No.-53 Year-2022 Thana- BALUA BAZAR District- Supaul

SHANKAR PASWAN SON OF CHHOTE LAL PASWAN RESIDENT OF
VILLAGE - GULAMI BISHANPUR, P.S. - BALUA BAZAR, DISTRICT -
SUPAUL

... .. Petitioner/s

Versus

STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Balua Bazar P.S. Case No. 53 of 2022 registered under Sections 304(B) and 302/34 of the Indian Penal Code lodged on 12.07.2022 by the informant, Jhapsia Devi.

As per the prosecution story, the petitioner was married to the informant's daughter but always tortured her for dowry and the allegation is she was killed. Thus, the FIR.

Learned counsel for the petitioner submits that both of them were working in Himachal Pradesh, had married, there was no question of killing her as he was loving her. They returned to their native state and as she was depressed,



committed suicide for which he has already suffered by being in custody since 13.07.2022. He has taken this Court to the observation of the learned Sessions Judge to show that the cause of death has been recorded as *asphyxia caused by hanging*.

Learned APP for the State opposes the prayer for bail stating that he is the husband.

Taking into account the submissions put forward by the learned counsel for the petitioner, the observation of the learned Sessions Judge, the petitioner is in custody since 13.07.2022 (as stated in paragraph-21 of the petition) and he has no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Supaul in connection with Balua Bazar P.S. Case No. 53 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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