

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54357 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- PATORI District- Samastipur

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Santosh Paswan @ Santosh Kumar, S/o Tetar Paswan, Resident of Village-
Fatehpur, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 16-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Santosh Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Patori P.S. Case No. 234 of 2021 registered for
the offences punishable under Sections 304 (B), 201 / 34 of the
Indian Penal Code.

The prosecution case is based on the written report of
the informant alleging therein that the marriage of the daughter
of the informant was solemnized three years ago, after the
marriage a baby girl was born, however, soon thereafter the
daughter of the informant was subjected to demand of dowry



and on account of non fulfillment of the same, she was tortured in various ways. It is further alleged that on 22.06.2021, the informant came to know that all the family members, including the petitioner, killed his daughter and disposed of her body.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is an unfortunate husband of the deceased and they had been residing at Nawashanhr, Punjab and while the covid-19 pandemic was on peak, the wife of the petitioner consumed some expired medicines due to which she got serious and thereafter, she was taken to Hope Hospital, Nawashanhr, Punjab, however, during the course of treatment she died on 09.06.2021. It is next submitted that as the death was on account of some intake of expired medicine, thereafter the information was given to the concerned police station and a G. D. Case No. 19 dated 09.06.2021 was registered and post mortem was also conducted, however, no external and internal injury has been found over the body of the deceased and the viscera has been sent to the Forensic Science Laboratory. He next submits that when the informant came to learn about the aforesaid fact, he himself filed a petition as contained in Annexure-3 to the application, stating therein that this FIR has been instituted on a mistaken belief and after knowing the real



fact, he doesn't want to pursue the matter. He lastly submits that the investigation of the crime is already complete and he would be abide by all the terms and conditions as imposed by this Court.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, it has come that the petitioner was addicted of intoxicants and drugs and he used to torture his deceased wife.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, which shows that she was admitted in the hospital where death has occurred and a G.D. Case No. 19 dated 09.06.2021 has been registered, wherein no foul play has been found apart from the petition filed by the informant as contained in Annexure – 3, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Raju Kumar Judicial Magistrate 1st Class, Samastipur in connection with Patori P.S. Case No. 234 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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