

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62018 of 2023

Arising Out of PS. Case No.-36 Year-2021 Thana- BAHERI District- Darbhanga

Dilip Paswan, Son of Jay Kishun Paswan, Resident of Village – Dubauli, P.S.-
Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 425 of 2023, arising out of Baheri P.S. Case No. 36 of 2021, registered on 14.02.2021 for the alleged offence under Sections 304(B)/34 of the Indian Penal Code.

3. This is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 05.07.2022 passed in Cr. Misc. No. 39669 of 2021.

4. As per prosecution case, petitioner caused dowry death of his wife, who was sister of the informant.

5. Learned counsel for the petitioner submits that the



petitioner is in custody since 15.02.2021. Charges have been framed only on 15.07.2023 and since then the matter has been pending for examination of prosecution witnesses though, while rejecting the prayer for bail of the petitioner, the learned trial court was directed to conclude the trial within a year and liberty was granted to the petitioner to renew his prayer for bail, if the trial was not concluded within the said period. Learned counsel further submits that the allegation against the petitioner is false and concocted and the wife of the petitioner was a quarrelsome lady and committed suicide over some petty matter. From the postmortem report it was apparent that there was no ante-mortem injury on the body of the deceased except a ligature mark. Further postmortem report shows the cause of death was asphyxia due to hanging.

6. Learned APP opposes the submission made on behalf of the petitioner.

7. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the tardy progress of the trial and non-examination of the prosecution witnesses till date and further considering the period of custody of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge-IVth, Darbhanga/concerned court in connection with Sessions Trial No. 425 of 2023, arising out of Baheri P.S. Case No. 36 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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