

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67226 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- TARABARI District- Araria

-
1. DEEPAK PASWAN S/O SHARWAN PASWAN Resident of Village- Perwakhori Ward No- 11, P.S.- Tarabari, District- Araria.
 2. SHARVAN PASWAN S/O LATE SHIVARAYAN PASWAN Resident of Village- Perwakhori Ward No- 11, P.S.- Tarabari, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-04-2023 Learned counsel for the petitioner does not press the petition for bail of petitioner no. 1, Deepak Paswan for the present which is accordingly rejected.

Sharvan Paswan is the petitioner no. 2 who is father-in-law of the deceased.

Heard learned counsel for the petitioner no.2 and learned counsel for the State.

The petitioner no.2 is an accused in connection with Tarabari P.S. Case No. 48 of 2022 under sections 302/34 of the Indian Penal Code lodged on 02.06.2022 by the informant, Raja



Kumar Paswan.

The prosecution case, in brief, is that the informant Raja Kumar Paswan and the two petitioners herein alongwith co-accused committed murder of the informant's sister Phulo Devi at her in-laws house by strangulation in connivance with each other. It has been further alleged that the petitioners alongwith other members of in-laws family continuously committed torture and harassment of informant's deceased sister for non-fulfillment of demand of dowry and the petitioner No-1 accused/husband had developed illicit relationship with his '*Bhabhi*' for which the deceased was protesting. Accordingly, the FIR.

Learned counsel for the petitioner submits that on the imaginary ground that the husband (petitioner no. 1) Deepak Kumar was having an affair with his '*Bhabhi*' which caused death of the lady, the FIR being lodged. So far as the petitioner no. 2 father-in-law is concerned, he is an old man of 65 years and already suffered by being in custody since 01.08.2022 (as stated in paragraph-7 of the bail application). His last submission is that the husband is already in custody and his bail application having been withdrawn, he will remain in jail.



Learned APP for the State, on the other hand, opposes the prayer for bail stating that it is a case of death of the lady.

Considering the fact that the husband is in jail, his father-in-law is an old age and has already remained in custody since 01.08.2022, this Court is inclined to extend him the privilege of bail.

Let the petitioner no. 2, Sharvan Paswan be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Tarabari P.S. Case No. 48 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 *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 bail bond by the Trial court itself;

(iii) 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;

(iv) 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)

Jagdish/Neha/-

U		T	
---	--	---	--

