

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65769 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

SUNIL PASWAN S/O SADHU PASWAN Resident of village- Asma, P.S.-
Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha
For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 17-04-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Ghanshyampur P.S. Case No. 43 of 2021,
registered for the offences punishable under Sections 302, 201,
34 of the Indian Penal Code.

As per allegation, the marriage of daughter of the
informant was solemnized with brother of the petitioner, ten
years prior to lodging of the FIR. In the evening of 28.02.2021,
the informant received an information through mobile phone
that the accused persons had strangled her daughter to death.
She rushed to the matrimonial house of the deceased but the
family members were not there. Villagers apprised her that they



were cremating the dead body at the bank of river Kamla. When she went there the accused persons fled away. She disclosed the name of eight accused persons including the petitioner in the FIR.

The learned counsel for the petitioner has submitted that the petitioner is innocent. He is brother of husband of the deceased and brother-in-law (*devar*) of the deceased. As a matter of fact, the petitioner apprehended the deceased in objectionable state along with one Daya Shankar Paswan and thereafter, he informed the occurrence to his brother Anil Paswan who is husband of the deceased who was residing in Bombay. It was the reason that the deceased has committed suicide by strangulating herself. The petitioner is under custody for more than two years.

On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that the daughter of the deceased has stated in her statement that the petitioner was the person who committed murder of her mother by inflicting blows by a sharp-edged weapon (*Kutti-Katta*), to which the learned counsel for the petitioner replied that there is no sharp cut injury on the dead-body of the deceased which transpires from the post-mortem report. The learned counsel for the



petitioner has also submitted that the independent witnesses in paragraph Nos 81 and 82 of the case diary have stated categorically that the deceased died by committing suicide by strangulating herself.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned First Additional Sessions Judge, Benipur, District- Darbhanga in connection with Ghanshyampur P.S. Case No. 43 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offense, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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