

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.435 of 2023**

Arising Out of PS. Case No.-61 Year-2021 Thana- NAGAR District- Vaishali

Mukesh Paswan Son Of Late Shiv Nath Paswan R/O Vill.- Bagmali, P.S.-  
Hajipur Town in The District Of Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      28-08-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 14.02.2021 in connection with Hajipur Town P.S. Case No.61 of 2021, F.I.R. dated 21.01.2021 registered for the offence punishable under Sections 302,34 of IPC.

3. Allegation against the petitioner is that he alongwith other co-accused persons have in furtherance of their common intention committed the dowry death of the daughter of the informant.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has



not committed any offence as alleged in the FIR and the marriage of the petitioner was solemnized with the victim 10 years prior to the date of occurrence and from a bare perusal of the FIR it appears that there is no specific allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.02.2021.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is husband of the deceased but fairly submits that the F.S.L. report reveals that “No Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile Poison could be detected in dark brown fluid contents in one plastic jar as described in the F.S.L. Report”.

6. Vide order dated 19.07.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 10.08.2023 reveals that charge has been framed against the petitioner on 08.06.2023 but till date no witness has been produced by the prosecution.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no



chance of early conclusion of the trial in near future and the petitioner is in custody since 14.02.2021.

8. Considering the aforesaid facts and the report of the learned Trial Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-VII, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No.61 of 2021, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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