

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74706 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- BAHERA District- Darbhanga

1. SHYAM PASWAN Son of Shibu Paswan R/V- Antaur, P.S.- Bahera, District - Darbhanga
2. Saajan Paswan @ Sajaan Paswan Son of Shibu Paswan R/V- Antaur, P.S.- Bahera, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are an accused in connection with S.T. No. 205/2022 arising out of Bahera P.S. Case No. 222 of 2021 under Sections 302 and 201/34 of the Indian Penal Code lodged on 12.10.2021 by the informant, Dilkhush Kumar Paswan.

The informant alleges that he received information that his father Dilip Paswan along with other family members including the petitioners killed his mother and, accordingly, he reached the place of occurrence where he saw that the room was cleaned with soil and a tangi was also kept there. It is further



alleged that the sisters of the informant disclosed that all the accused persons in the night had killed their mother and the mother of Dilip Paswan cleaned the floor and in the morning the dead body was disposed of. Accordingly, the FIR.

Learned counsel for the petitioners submit that they are 'devars'/brother of the main accused Dilip Paswan against whom allegation is of killing his wife and he is in custody 14.10.2021 (as stated in paragraph-9 of the petition). It is his further submission that the mother of the deceased subsequently petitioned before the court of learned ACJM- 1st Benipur stating that later she came to know that her daughter has been killed by her son-in-law, Dilip Paswan and the others do not have any role to play in the matter. It is his further submission that the other accused persons including the lady Punam Devi have been granted relief in Cr. Misc. No. 17977 of 2022 on 23.09.2022 as also in Cr. Misc. No. 48905 of 2022 (Sita Ram Paswan) and the father in Cr. Misc. No. 3649 of 2023 (Shibu Paswan).

Let the same kept on record.

Learned APP for the State on the other hand, opposes the prayer submitting that in the FIR, it has been stated that the accused persons killed the lady.

Considering all the aforesaid facts as also that both



the petitioners are brother-in-law of the deceased, the husband is in custody, the father-in-law Shibu Paswan as also the lady has been granted relief, as stated above, are in custody since 28.12.2021 (paragraph-10 of the petition) and they do not have criminal antecedent, this Court is inclined to extend them privilege of bail.

Let the petitioners 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 Additional Sessions Judge 1st Benipur, District Darbhanga in connection with S.T. No. 205/2022 arising out of Bahera P.S. Case No. 222 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners 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 their 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)

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