

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8585 of 2024

Arising Out of PS. Case No.-125 Year-2022 Thana- BHAPTIAHI District- Supaul

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Pramod Paswan S/O- Sakaldeo Paswan R/O- Village- Narayanpur (WARD
No.- 12) P.S.- Bhaptiyahi, Dist.- Suparul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 19-07-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Sessions Trial NO. 150 of 2023 arising out of Bhaptiyahi

P.S. Case No. 125 of 2022 registered for the offences under

Sections 304B and 34 of the I.P.C.

3. The petitioner named in the F.I.R. and is in

custody since 08.10.2022.

4. The allegation against the petitioner is to cause

death of the daughter of informant, due to non-fulfillment of

demand of dowry alongwith other co-accused persons/family

members.

5. Learned counsel appearing on behalf of the

petitioner submitted that implication of this petitioner is only for the reason being husband of the deceased, who is a short tempered lady committed suicide out of general family quarrel. It is also submitted that during autopsy of the deceased, no visible physical injury was noticed which *prima facie* suggest that she was not assaulted physically soon before the death. It is a case of suicide. It is submitted that nothing appears during the course of investigation, so as to suggest that act of petitioner was so direct or active, which may force the deceased daughter of the informant to commit suicide without having no other option. In support of his submission, learned counsel for the petitioner relied upon the report of Hon'ble Supreme Court as reported in the matter of ***Gurucharan Singh Vs. State of Punjab 2016 SCC Online SC 1415***. It is also submitted that the petitioner is in custody since 08.10.2022, *i.e*, about 2 years, where only two prosecution witnesses were examined and, therefore, it can be said safely that trial is not likely to conclude in near future.

6. Learned APP appearing on behalf of the State,

opposes the prayer for bail and submitted that the petitioner is the husband facing specific allegation.

7. In view of the facts and circumstances as mentioned above, as autopsy report *prima facie* suggest that death is suicidal in the background of general and omnibus allegation of demand of dowry, where petitioner is in custody since 08.10.2022, accordingly, petitioner, above named, is directed to be released on bail in connection with Sessions Trial No. 150 of 2023 arising out of Bhaptiyahi P.S. Case No. 125 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IInd, Supaul/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with the following conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

- (ii)** Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.
- (iii)** That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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