

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13893 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- NARDIGANJ District- Nawada

1. Upendra Paswan SON OF RAMKHELAWAN PASWAN Resident Of Village -Goitrayan Ps- Nardiganj District- Nawada
2. AMIRAKI DEVI @ AMERIKI DEVI WIFE OF RAMKHELAWAN PASWAN Resident Of Village -Goitrayan Ps- Nardiganj District- Nawada
3. UMESH PASWAN SON OF RAMKHELAWAN PASWAN Resident Of Village -Goitrayan Ps- Nardiganj District- Nawada

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Nardiganj P.S. Case No. 401 of 2023 for the offence under sections 306, 34 of the I.P.C. lodged on 04.12.2023 by the informant, Gautam Kumar.

3. As per the prosecution story, the informant who is the son of petitioner no. 3, Umesh Paswan, nephew of petitioner no. 1, Upendra Paswan and grandson of petitioner no. 2, Amiraki Devi has alleged that his sister had married a boy of her choice for which his mother was regularly abused by entire family members. Perturbed by that, she consumed poison, was rushed to hospital but died. Accordingly, he has lodged the FIR against his family members.

4. Learned counsel for the petitioners submit that



minor conversation/discussion took place in the family and no one had blamed the lady. However, due to her daughter having left the place, she was under depression and consumed poison. The husband has also lost his wife but at the heat of the moment, the son has lodged FIR and they are ready to diligently appear in trial. Under no circumstance, they wanted the lady to die and as such, they deserve anticipatory bail.

5. Learned APP opposes the prayer stating that due to the daughter having left the place, she was abused and accordingly, consumed poison.

6. Although it is unfortunate that even in 21st century, a girl is not being allowed to marry a boy of her choice and in case, she leaves the place, the mother is being abused and in the circumstances, the son has lost his mother, considering the fact that all the family members have lost the lady, FIR lodged and ultimately will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Nawada, in



connection with Nardiganj P.S. Case No. 401 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 petitioners 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 the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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