

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16079 of 2024

Arising Out of PS. Case No.-211 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Pankaj Paswan S/O Ramayan Paswan, R/O Village- Mukundpur, P.S-
Charpokhari, Distt.- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 04-10-2024 Heard Mr. Akash Kumar Mishra, the learned
counsel for the petitioner and Mr. Bharat Bhushan, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
21.12.2022, in connection with Charpokhari P.S. Case No. 211
of 2022, FIR dated 12.11.2022, registered for the offences
punishable under Sections 304(B) and 201 read with Section 34
of the Indian Penal Code.

3. According to the prosecution case, the daughter of
informant was subjected to regular torture and abuse by her in-
laws over non-fulfillment of dowry demand. It is further alleged
that informant was informed that her daughter has died and they
have cremated her body.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case and he has been made accused in the present case merely on the ground that petitioner is husband of the deceased. He further submits that from perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or demand or dowry attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner. He further submits that it has come during investigation that deceased herself has committed suicide. He further submits that the co-accused person namely, Ramayan Paswan, who happens to be the father of the petitioner and father-in-law of the deceased has been granted regular bail by this Court vide order dated 23.08.2023 passed in Cr. Misc. No. 53408 of 2023. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 21.12.2022.

5. Vide order dated 23.08.2024, a report was called for with regard to the stage of the trial and report dated 11.09.2024 of the learned trial Court reveals that charge has been framed against the petitioner on 06.01.2024, however, until now no witnesses have been examined on behalf of the prosecution.



6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 21.12.2022.

7. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances, petitioner's clean antecedent, the report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bhojpur, Ara, in connection with **Charpokhari P.S. Case No. 211 of 2022**, subject to the following conditions:

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



(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 learned trial Court 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 learned trial Court 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)

Shahnawaz/-

U		T	
---	--	---	--

