

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39969 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- KARTAHA District- Vaishali

Sudhir Paswan S/O Ganesh Paswan R/O Gurmiya Tiwary Tola, P.S- Kartaha,
Distt.- Vaishali (Hajipur).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Kartaha P.S. Case No.
38 of 2023, instituted for the offences punishable under Sections
302, 201, 34 and 498-A of the Indian Penal Code.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons committed murder of the
deceased/daughter of the informant for non-fulfillment of the
dowry demand. It is alleged that after committing murder of the
deceased, they also disappeared the dead body.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.
Learned counsel for the petitioner also submits that the



petitioner is the husband of the deceased and there was no demand of dowry or torture was made to the deceased by the petitioner or his family members. The deceased passed away due to illness and at the time of funeral of the deceased, the complainant i.e. father and brother of the deceased were also present. Learned counsel for the petitioner further submitted that firstly, a complaint case was filed by the complainant and the learned concerned Court has sent it to the police for lodging of FIR under Section 156(3) of Cr.P.C. The petitioner is in custody since 26.08.2023 and has got no criminal antecedent. Learned counsel for the petitioner lastly submitted that earlier co-accused have been granted bail by this Court vide order dated 24.04.2024 passed in Cr. Misc. No. 31084 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State also submits that there is allegation of torture against the petitioner and, hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kartaha P.S. Case No. 38 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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

