

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45888 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- AGIAON BAZAR District- Bhojpur

1. Dhaneshwar Paswan S/O Ghudi Paswan @ Ghuri Paswan R/O Village-Lahthan, P.S.-Agiaon Bazar, Distt-Bhojpur
2. Chanmuni Devi @ Chanamuni Devi W/O Dhaneshwar Paswan R/O Village-Lahthan, P.S.-Agiaon Bazar, Distt-Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard Mr. Anil Kumar Singh, learned counsel for
the petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Agiaon Bazar P.S. Case No. 138 of 2023 for the offence punishable under sections 304(B)/34 of the I.P.C. lodged on 01.07.2023 by the informant, Ram Binay Paswan.

3. As per the prosecution story, the lady was married to the son of the two petitioners namely, Vikesh Kumar Paswan in the year 2021 but was always tortured for dowry and on 29.06.2023, the information came about her death. As the relatives reached the place, the accused escaped. Believing that she has been killed, the FIR.



4. Learned counsel for the petitioners submit that they are parents, living separately, the husband is in custody since 07.10.2023 and has further submitted that the husband, Vikesh Kumar Paswan had moved earlier in Cr. Misc. No. 16338 of 2024 and the bail petition has been rejected by a co-ordinate Bench on 24.06.2024.

5. Learned APP opposes the prayer submitting that the allegation is against all the accused persons.

6. Taking into account the fact that the petitioners are parents, old aged, the husband is in custody, as stated above, FIR lodged and will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. If, however, it is found that the statement about the husband is incorrect, the order shall become infructuous.

8. Let the petitioners, above named, 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Agiaon Bazar P.S. Case No. 138 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/relative 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)

kiran/-

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

