

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48165 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- TARARI District- Bhojpur

Dharmendra Paswan Son of Late Awadh Bihari Paswan Village- Itimha, P.S.-
Tarai, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Sessions Trial No. 274 of 2024 arising out of Tarari P.S. Case No. 184 of 2023 instituted for the offences under Sections 304B, 328, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that the petitioner alongwith the family members tortured and killed the deceased by administering poison for the non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is the husband of the deceased. Learned counsel for the petitioner submits that general and omnibus allegation has



been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that petitioner got married with the deceased on 13.05.2017 but no case has been lodged by the deceased or her family members for demand of dowry but when the unfortunate incident took place, the informant lodged the present case. Learned counsel further submitted that deceased had not been blessed with a child and she used to live in frustration and on the day of occurrence, the petitioner was not in the house and she took poison with a view to end her life but a false story was developed by the informant and he lodged the present case. Learned counsel further submitted that, in fact, as soon as the petitioner got the information that deceased had consumed poison, he informed her *Naihar* and also took her to hospital for treatment. Learned counsel further submitted that cause of death of deceased is not ascertained. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.02.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, no direct allegation against the petitioner and cause of death of the deceased being not ascertained till date, as also 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 274 of 2024 arising out of Tarari P.S. Case No. 184 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.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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