

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54650 of 2024

Arising Out of PS. Case No.-448 Year-2023 Thana- SAUR BAZAR District- Saharsa

Nitish Kumar Son of Ramchandra Paswan R/O Vill.- Barah Singha ward
no.17, P.s.- Saur Bazar, Dist.- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-10-2024 Heard Mr. N.K.Agrawal, learned Senior Counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Saur Bazar P.S. Case No. 448 of 2023 for the offence punishable under Sections 304(B) and 201/34 of the Indian Penal Code lodged on 03.08.2023 by the informant, Sindhu Devi.

3. As per the prosecution story, the informant alleged that earlier the deceased had disappeared for which a “Sanha” was registered with the police. Later, it came to notice that this petitioner has married her and thereafter, was demanding dowry. The informant tried to counsel him/family members but ultimately on 31.07.2023, came information about her killing. Accordingly, the FIR.



4. Learned Senior Counsel submits that contrary to the allegation made in the FIR, actually the couple was happy and only the minor issue that arose was that the petitioner wanted to go to his work place all alone which was resisted by the wife. As he did not took her along, she committed suicide.

5. In this case, a coordinate bench had called for the case diary which has come and para-23 shows that the independent witness has supported the submission put forward by the learned Senior Counsel.

6. The post mortem report says that the death is due to asphyxia caused by hanging.

7. Learned APP opposes the prayer submitting that earlier he took away the deceased and later killed her.

8. The case diary has come, the independent witnesses have given their statements, the FIR is there, ultimately, the petitioner will have to face the trial, is in custody since 20.01.2024, do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District Judge-2, Saharsa, in connection with Saur Bazar P.S.



Case No. 448 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

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

(Rajiv Roy, J)

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