

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64982 of 2023

Arising Out of PS. Case No.-245 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Sushil Paswan S/O Sahdev Paswan R/O Village- Korbaddha Lagunia
Surykanth, P.S- Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Upendra Kumar, APP

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

ORAL ORDER

6 19-06-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 245 of 2023 instituted for the offences
under Sections 304(B) and 34 of the Indian Penal Code.

3. As per prosecution case, the allegation against the
accused persons including the petitioner is of assaulting the
deceased and, thereafter, committing murder for non-fulfillment
of demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is the husband of the deceased wife. He submits



that the deceased wife, following a quarrel with her husband, has committed suicide by hanging herself. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has never demanded dowry or assaulted his deceased wife. There is no eye-witness to the alleged occurrence against the petitioner. The petitioner has one criminal antecedent and is languishing in judicial custody since 12.04.2023 without any rhymes or reason. The police, after completion of investigation, has submitted charge-sheet under Section 498(A)/304(B) of the I.P.C. and Section 3/4 of the Dowry Act.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the offence alleged against the petitioner is serious in nature. The postmortem report also supports the prosecution case. There is also a ligature mark of rope in the neck of the deceased.

6. From perusal of the report sent by the learned court below dated 07.05.2024, it appears that the case has been committed to the Court of Sessions for trial.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner and there being no specific allegation against the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Muffasil P.S. Case No. 245 of 2023, subject to the following conditions;

- (i) One of the bailor(s) shall be the own/close family members of the petitioner.
- (ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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