

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63281 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- AKBARNAGAR District- Bhagalpur

Binit Kumar Paswan S/O Krishna Paswan Resident Of Village- Purab Tola,
Akbar Nagar, P.S.- Akbar Nagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the State	:	Mr. A.G
For the Informant	:	Mr. Bijendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-08-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner is in custody in connection with S.T.
No. 440 of 2022 arising out of Akbar Nagar P.S. Case No. 90 of
2021 for the offence punishable under Sections 304-B and 34 of
the Indian Penal Code lodged on 19.07.2024 by the informant,
Narayan Das.

3. As per the prosecution story, the informant alleged
that his daughter was married to this petitioner in the year 2017
and the couple was blessed with a baby boy. However, there was
a demand of dowry every time and on the last occasion
Rs.20,000/- was demanded, failure to do so, she was assaulted.
Later all the family members jointly killed his daughter, which



followed the F.I.R.

4. Learned counsel for the petitioner submits that he is the husband, a railway employee, there was a tiff with the wife, she committed suicide and the in-laws gave the color of murder and immediately thereafter he went to jail and he is in custody since 24.11.2021 (paragraph no.7 of the petition).

5. Learned counsel for the petitioner concede that though the trial is now at an advance stage, he has already appeared from jail, undertakes to present on each and every date and if the verdict goes him, he is ready to face the same and he has child to lookafter.

6. Learned counsel for the informant on the other hand submits that all the witnesses have been examined and in that background, he does not deserve bail.

7. A report was called for, according to which the witnesses including the doctor have been examined and only I.O. has to be examined.

8. Though the witnesses have been examined and admittedly, the trial is at an advance stage, considering the period that he has remained in custody (24.11.2021, paragraph no.7 of the petition), do not have criminal antecedent and he has been a railway employee (now suspended) serving at Jamalpur,



and further the undertaking given by the learned counsel for the petitioner, on instruction, that he will be appearing on each and every date in the trial, this Court is inclined to extend him the privilege of bail.

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 8th Additional Sessions Judge, Bhagalpur, in connection with S.T. No. 440 of 2022 arising out of Akbarnagar P.S. Case No. 90 of 2021, subject to the following conditions, as also with 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/her 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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