

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62680 of 2024

Arising Out of PS. Case No.-338 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

1.

Suresh Paswan Son of Late Shivchand Paswan Resident of Village- Usari, P.O- Akodhi, P.S.- Mohania, Distt.- Kaimur (Bhabhua)
2.

Sunita Devi @ Samhuta Devi Wife of Suresh Paswan Resident of Village- Usari, P.O- Akodhi, P.S.- Mohania, Distt.- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3

20-11-2024

Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Mohania P.S. Case No. 338 of 2024, registered for the offence punishable under Sections 304B/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the marriage of the daughter of the informant was solemnized with the son of the petitioners in the year 2022. Soon after the marriage, she was subjected to demand of dowry and on account of non-fulfillment of the same, she was done to death by strangulation of her neck.

4. Learned Advocate for the petitioners contended that



the petitioners are father-in-law and mother-in-law, respectively and they have been living separately from the deceased and her husband. It is further contended that there is omnibus nature of allegation against all the family members. On the alleged date of occurrence, on account of some trifle, the deceased has committed suicide. Moreover, the husband of the deceased is behind the Bar is the contention of the learned Advocate for the petitioners. The petitioners are in custody since 16.07.2024, and now the investigation of the crime is complete.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the during the course of investigation, even the independent witnesses have supported the prosecution case that the deceased was subjected to torture at the hands of the accused persons, including the petitioners. Death has taken place just within two years of the marriage and soon before the occurrence, there was a demand of dowry and, as such, the presumption of dowry death cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the petitioners are parents in laws, who have been living separately. Moreover, the husband of the



deceased is in custody, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohania, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 338 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds,



in terms of the above-mentioned order, shall not be delayed for
this purpose or in the name of verification.

(Harish Kumar, J)

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