

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75322 of 2023

Arising Out of PS. Case No.-85 Year-2021 Thana- TERHAGACHH District- Kishanganj

Gandhi Paswan S/O Baldeo Paswan Village- Maltoli Khajurbari, Ps.
Tedhagachh, Dist. Kishanganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhas Ranjan

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 19-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for grant of regular bail in a case registered for the offence punishable under section 302 of the Indian Penal Code, which was earlier dismissed as withdrawn by this Court vide order dated 17.3.2023 passed in Cr. Misc. No. 57372 of 2022 with a direction to trial court to conclude the trial within a period of six months.

3. As per allegation in the FIR, daughter of the informant was married to the petitioner 15 years ago and out of their wedlock three children were born. It is alleged that petitioner was in extra marital relation with Munni Devi, wife of co-villager Basdeo Paswan for which deceased used to raised



objection always. On 17.12.2021, petitioner in connivance with other accused persons killed her by throttling.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He was leading happy married life with the deceased. Prior to the alleged occurrence, no complain was made anywhere regarding torture or harassment at her matrimonial home by the petitioner or any family member. On the alleged date of occurrence, petitioner noted that his wife (deceased) is not well and she had developed vomiting tendency, so petitioner was taking her to hospital but in way to hospital, she died. Only on the basis of suspicion, he has been implicated in this case. Petitioner has got no criminal antecedent and languishing in judicial custody since 19.12.2021.

5. The application for bail is opposed by learned APP for the State and submitted that petitioner is husband of deceased and as per postmortem report, doctor opined cause of death due to throttling.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail after framing of



charge, if not framed, on furnishing bail bond of Rs. 10,000/-
(Rs. ten thousand only) with two sureties of the like amount
each to the satisfaction of the learned Sessions Judge,
Kishanganj in connection with Terhagachh P.S. Case No. 85 of
2021.

(Sunil Kumar Panwar, J)

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