

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80478 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- NAWADA District- Nawada

1. Uttam Kumar Son of Anandi Paswan R/O Vill.- Hanuman Bigha, P.S.- Kashichak Belar, Dist.- Nawada, Bihar.
2. Ghanshyam Paswan @ Ghanshyam Kumar Son of Shailendra Paswan R/O Vill.- Hanuman Bigha, P.S.- Kashichak Belar, Dist.- Nawada, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2025 Heard Mr. Ranjeet Choubey, learned counsel for the petitioners and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nawada Town P.S. Case No. 128 of 2024, F.I.R. dated 2201.02024 for the offences punishable under Sections 306 and 34 of the Indian Penal Code.

3. According to prosecution case when the informant went to purchase vegetable from the market and when he returned from the market his sister, namely, Shobhi Kumari committed suicide by hanging herself from a fan. The informant further alleged that the petitioners have committed misbehave



with her and also the petitioners were blackmailing her with obscene photographs.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. In fact, the deceased had died in her paternal home and the petitioner no. 1 had performed the marriage with victim girl in the year 2023 itself and the father informant of the present case has also filed an F.I.R. against the petitioners bearing Kashichak P.S. Case No. 90 of 2023 under Section 363 and 366(A). In the aforesaid case, the statement of the victim was recorded under Section 164 of Cr.P.C. (Annexure-4) where she categorically stated that she has performed marriage with the petitioner no. 1 and the F.I.R. instituted by the informant is false. Apart from that the learned counsel for the petitioner has produced a marriage certificate issued from the Marriage Registration Officer, Sadar First, Ghaziabad

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and apart from that both the petitioners carries one criminal antecedent other than the present one but fairly submits on the basis of



paragraph 3 of the bail petition that the final form has been submitted in favour of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Nawada Town P.S. Case No. 128 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioners shall co-operate 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that 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 step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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