

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6841 of 2020

Arising Out of PS. Case No.-333 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

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ASHISH PASWAN Son of Sadhusaran Paswan Resident of Village -
Vishnupur (Sukan Tola), ward No.43, P.S.- Begusarai Town, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 31-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the victim is
languishing in custody sine 18.06.2019, in a case registered for
the offences punishable under Sections 328 and 304B/34 of the
IPC.

The prosecution case, as per the fardbeyan of
Mukesh Paswan, recorded by S.I., Ravindra Kumar Singh,
S.H.O. Begusarai Town Police Station on 17.06.2019 at Sadar
Hospital, Begusarai is to the effect that the informant got his
daughter married with the petitioner in the year 2016.
Thereafter, they were blessed with two children, but subsequent
thereto, further dowry demand of Rs. 1 lac and a motorcycle



was made and due to non-fulfillment of the same, the victim was tortured by all the accused persons, including the petitioner. It is further alleged that on 17.06.2019, the informant came to know that his daughter has been killed by administering poison.

Learned counsel for the petitioner submits that the accusation of demand of dowry after three years of marriage and after birth of two children appears to be unreasonable. The postmortem report does not reflect any external or internal injury and the cause of death has not been ascertained. It is further submitted that the petitioner himself informed the informant about the death of the victim since the victim most probably committed suicide. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the thrust of accusation is against the petitioner being the husband of the victim.

Considering the fact that accusation of assault and



administering poison by force is not being corroborated by the postmortem report, which does not suggest any internal or external injury, particularly resisting injury, the investigation has already been concluded and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Begusarai, in connection with Begusarai Town P.S. Case No. 333 of 2019.

However, in view of the present pandemic COVID- 19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on



furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned CJM, Begusarai, in connection with Begusarai Town P.S. Case No. 333 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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