

COURT OF DISTRICT & SESSIONS JUDGE, NAWADA

Session Tr. no.511/2023

State of Bihar Versus Vicky Paswan

Date of order or proceeding	Order with signature of the court	Office action taken with date
28.08.2024	<p>1. Bail petition has been filed on behalf of the accused-petitioner Vicky Pawan who is in custody since 18.03.2023 in this case u/s. 304(B) of the I.P.C. put up for hearing.</p> <p>2. Heard Shri P.K.,Verma, learned counsel for the accused-petitioner as well as Md. Tarique, learned P.P. for the State and perused the case record.</p> <p>3. The short case of the prosecution as per written complaint of the informant Daulti Devi is that the informant's daughter namely Nazni Kumri was solemnized with the accused-petitioner Vicky Paswan in the year 2018 and after marriage the petitioner and other co-accused persons started demanding dowry and they used to torture and assaulted her daughter for non-fulfillment of demand of dowry and on 14.03.2023 the petitioner and other co-accused persons killed her daughter Nazni Kumari by pressing her neck and hanged her with fan.</p> <p>4. Learned counsel for the accused-petitioner submitted that the regular bail petition of the petitioner has been rejected by this court as well as by the Hon'ble High Court vide Cr. Misc. no. 58867/2023 dt. 08.11.2023 in which an observation and direction was passed while rejecting the regular bail petition of the petitioner that if the trial is not concluded within nine months after framing of charge the trial</p>	

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court shall be released the accused-petition on bail imposing conditions. It has been further submitted that on perusal of the record which shows that charge has been framed in this case against the petitioner no. 24.11.2023 and nine months has expired from the date of framing of charge and the trial of the petitioner is still continuing. As such in the light of the observation made in Cr. Misc. no. 58867/2023 by the Hon'ble High Court in respect of the petitioner he deserves bail.

On the contrary learned P.P. opposed the bail petition of the accused-petitioner.

5. The present bail petition has been filed on behalf of the petitioner Vicky Paswan. He has earlier filed Cr. Misc. no. 58867 of 2023 before the Hon'ble Patna High Court wherein the Hon'ble Patna High Court vide order dt. 08.11.2023 directed that after framing of the charge within nine months if the prosecution fails to adduce the evidence then he must be released on bail by the trial court on renewing of prayer of bail by the accused-petitioner. In view of the above direction of the Hon'ble High Court aforesaid the case is still at the stage of examination of the prosecution witnesses. The total of five prosecution witnesses have been examined so far. Further the I.O. of the case as well as the informant is still required to be examined before the court. The period of nine months has already been elapsed from the framing of the charge.

note

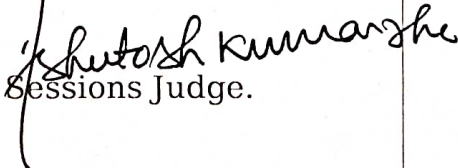
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6. In views of the above this court thinks it fit just, proper and legal to admit the petitioner on bail. Accordingly, the prayer for bail of the accused-petitioner Vicky Paswan is being **allowed** hereby and petitioner is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of this court subject to the conditions that one of the bailors must be father or mother of the petitioner, the petitioner shall co-operate during the trial and not tamper with the evidence, petitioner shall remain present on each and every date during trial and if the petitioner fails to appear on two consecutive dates bail-bonds of the petitioner shall be liable to be cancelled.

(Dictated & corrected by me)


Sessions Judge.