

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54266 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -NAVHATTA District- SASARAM (ROHTAS)

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1. Mahendra Paswan Son of Suresh Paswan Resident of Village- Ulahi
Police Station- Nauhatta, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Pronoti Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 10-02-2016 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offences

punishable under sections 304 (B) and 201/34 of the I.P.C and

section 3/4 of the Dowry Prohibition Act.

Neelam Devi, the sister of the informant, was married

to the petitioner one year ago and allegedly due to non fulfillment

of demand of dowry by way of Rs. 1,00,000/- she was being

tortured and assaulted and ultimately her dead body was found at

the bank of Sone river. It is claimed that the petitioner and other

in-laws after killing her threw the dead body in the river Sone.

Submission is of false implication and that no demand

of any kind was ever made, only on suspicion the informant has lodged this case, several witnesses before the Supervising authority have stated that the deceased used to run away from the house and her mother used to convince her for not doing such act, vide paragraph- 43 of the case diary. The doctor has found the cause of death 'Asphyxia' due to drowning and further no external injury or fracture was found on the person of the deceased.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the unnatural death has been caused just after one year of the marriage and further the tongue of the deceased was found protruded.

In the facts and circumstances as stated above, considering the postmortem report and further that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Devesh Kumar, J.M 1st Class, Dehri-on-sone, Rohtas in Nauhatta P.S. Case No. 29 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial

jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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