

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20257 of 2017

Arising Out of PS.Case No. -296 Year- 2015 Thana -BARAUNI District- BEGUSARAI

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Mukesh Paswan @ Mukesh Kumar, son of Siyaram Paswan,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-06-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody in connection
with Barauni P.S. Case No. 296 of 2015 for the offences
punishable under Sections 498A/304B/201/34 of the Indian Penal
Code and Section 4 of the D.P. Act.

The petitioner is husband of the victim lady Chandna
Kumari, who died within two years of marriage in her matrimonial
house in unnatural circumstances by sustaining burn injury. There
is allegation of demand of dowry and torture for the same soon
before death.

Submission of the petitioner is that the allegation is
based on complaint petition. Witnesses examined before police
stated that the victim met with an accidental death while she was
cooking food and the stove burst. Moreover, in the cremation the



family members of the deceased had participated and just to pressurize this false case has been lodged. He further submits that there is statement of the victim also recorded by the police wherein she had not alleged anything against anyone.

To counter the aforesaid submission, learned counsel for the informant submits that the doctor has found 90% burn injury. Hence, in absence of medical certificate of mental and physical fitness of the deceased, to give statement, and in absence of any statement recorded by the Magistrate the same appears to be a cooked up matter. Moreover, other family members of deceased have supported the allegation of demand of dowry and torture for the same before death of the victim.

Considering the aforesaid prima facie material against the petitioner and the presumption against the petitioner of commission of dowry death, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is refused. If the trial is not concluded within nine months from the date of receipt of a copy of this order, the petitioner may renew the prayer for bail before the court-below itself.

(Birendra Kumar, J)

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