

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29447 of 2017

Arising Out of PS.Case No. -346 Year- 2016 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. NIRANJAN PASWAN @ KAILASH PASWAN Son of Late Ramjatan
Paswan Resident of Village - Molana Bigha, P.S. - Sare, District - Nalanda,
at present - Ganga Nagar. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 23-08-2017

Heard both sides.

The petitioner apprehends his arrest in Bihar P.S.
case No. 346 of 2016 for the offences punishable under Section
302, 201, 34 of the Indian Penal Code and under Section 3 of
Dowry Prohibition Act.

The father of the deceased alleged that his daughter
was married to the petitioner eight years ago but her husband and
other in-laws were always demanding money for purchasing a
piece of land in Mohalla Ganga Nagar situated in Biharsharif
town. The informant got information that his daughter was killed
and when he reached there the petitioner and others were taking
away the dead body.

Sri Yogesh Chandra Verma, the learned senior
counsel for the petitioner, submits that marriage was solemnized
eight years ago. Even if the allegation is taken on its face value the



money was demanded for purchasing land and it does not come within the purview of demand of dowry. The deceased never complained of ill treatment at the hands of the petitioner during eight years of her marriage with the petitioner. During the course of investigation, the witnesses have stated that victim committed suicide on account of some petty dispute but from perusal of the statement of the son of the petitioner and the deceased, in paragraph 50 of the case diary, it appears that petitioner picked up quarrel with his wife, the deceased, and on account of that the deceased committed suicide.

Considering the fact that petitioner is husband of the deceased and the petitioner picked up quarrel also, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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