

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53804 of 2017

Arising Out of PS.Case No. -179 Year- 2016 Thana -JAYNAGAR District- MADHUBANI

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1. Arbind Paswan, Son of Sri Jiwach Paswan Resident of Village- Dullipati,
Misa Tola, P.S.- Jainagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-01-2018 Heard the counsels for the parties.

The petitioner seeks bail in connection with Jainagar P.S. Case No. 179 of 2016 dated 08.08.2016 instituted for the offences under Section 304(B)/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The informant, who the father of the deceased, has alleged that the deceased was married to the petitioner in the year 2010 and right from the beginning, there was a demand of additional dowry and non-fulfillment of the same led to the mental and physical torture of his daughter. It has further been alleged that on 08.08.2016, the informant learnt that his daughter has been done to death by burning her. On such information, he went to Jainagar Hospital, where he found the dead body of his daughter lying in an abandoned condition in the Verandah.



Learned counsel for the petitioner has submitted that the marriage took place almost seven years ago and during the course of the investigation, independent witnesses have stated that the spouses always fought amongst each other and therefore, the possibility of the deceased having committed suicide by immolating herself cannot be ruled out. It has further been submitted that if the deceased would have been pressurized for additional dowry and would have been tortured for the same, the informant would have filed a case earlier and would not have waited for the deceased to die. It has further been submitted that but for the fact that the petitioner is the husband of the deceased, no other material has been collected during the course of investigation to indicate towards killing of the deceased for non-fulfillment of demand of dowry. The case has not yet been committed to the court of Sessions.

However, considering the relationship of the petitioner with the deceased and the allegation levelled in the F.I.R., this Court is not inclined to grant bail to the petitioner for the present.

The prayer for bail of the petitioner is thus rejected.

(Ashutosh Kumar, J.)

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