

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16180 of 2018

Arising Out of PS. Case No.-96 Year-2014 Thana- SIMRIBAZAR District- Darbhanga

Rohit Paswan, S/o Devendra Paswan, Resident of Village- Teuaga, P.S.-
Simri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Sessions Trial No.249 of 2016 arising out of Simri P.S. case No.96 of 2014 registered under Sections 341, 326, 307, 498A, 304B/34 of the Indian Penal Code, pending in the court of learned 1st Additional Sessions Judge, Darbhanga.

Allegation is that the accused persons including the petitioner committed murder of the deceased due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 5.3.2016 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence nor there is any



substantive evidence to suggest the implication of the petitioner in the present case. In course of trial, the mother and the father of the deceased were examined and they have not supported the prosecution case. The matter has been compromised between the parties.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is upon him to explain the cause of death of the deceased as per Section 113B of the Evidence Act. It is further submitted on behalf of the State that the F.I.R. is dying declaration of the deceased and that itself is sufficient for conviction of the petitioner. The offence punishable under section 304B of the I.P.C. is not compoundable offence. Hence, compromise arrived in the present case cannot be looked into.

Considering the aforesaid facts and circumstances, I am not inclined to granted bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial at the earliest.

(Sudhir Singh, J)

Narendra/-

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