

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77460 of 2018

Arising Out of PS. Case No.-65 Year-2018 Thana- MAGADH UNIVERSITY District- Gaya

Deepak Paswan, S/o Mahendra Paswan, R/o Vill.- Aura, P.S.- Magadh
University, Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the victim, is languishing in custody since 18.08.2018 in a case registered for the offences punishable under Sections 304B,120B and 34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Deepak Kumar, recorded by S.I., S.N. Singh of Magadh University Police Station on 17.05.2018 at 9.30 A.M., is to the effect that the informant's sister marriage was performed with the petitioner in the year 2012. Subsequently, they were blessed with a female child. But, thereafter, further dowry demand of Rupees Five Lac was made and due to non-fulfillment of the same, torture was inflicted upon the



informant's sister. However, the informant tried to pacify the issue several times, but ultimately on 17.05.2018, at 5.30 A.M., the informant was informed on his mobile phone that her sister Rupa Devi has been killed by the in-laws family members, including the petitioner, at about 3.30 A.M., after making assault and throttling her. After having received such information, the informant reached to the in-laws house of his sister and found the dead body of her sister.

It is submitted by learned counsel for the petitioner that the accusation of assault and throttle has not been found true during the post-mortem. Only two injuries have been found, each over the left and right elbow. The cause of death has not been ascertained. It is further submitted that no ligature mark has been found on the neck of the victim and the viscera has been kept preserved for its examination. Moreover, the demand of dowry of Rs. 5,00,000/- after five years of marriage appears to be unreasonable and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that though it appears that no direct evidence has been collected during



investigation to corroborate the accusation of throttling and assault, but the victim died within six years of marriage and there was a demand of dowry. Moreover, the thrust of accusation is against the petitioner, being the husband of the victim.

Considering the accusation being not substantially corroborated by the medical opinion and the investigation has already been concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned CJM, Gaya in connection with M.U. P.S. Case No. 65 of 2018.

(Dinesh Kumar Singh, J)

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