

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61824 of 2018

Arising Out of PS. Case No.-14 Year-2018 Thana- BARHARA KOTHI District- Purnia

Pankaj Paswan @ Pankaj Kumar Paswan, Son of Narain Paswan, Resident of Village- Jai Nagar Shiswa Tol, P.S.- Barhara, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 23-01-2019

Heard learned counsels for the petitioner and the

State.

The petitioner, being the husband of the victim, is languishing in custody since 03.02.2018 in a case registered for the offences punishable under Sections 304B/34 of the IPC.

The prosecution case, as per the written report of Most. Mako Devi, dated 17.01.2018, submitted to the Station House Officer, Barhara Police Station, is to the effect that the informant's daughter, Rimjhim Devi was married with the petitioner about two years prior to her death, but subsequent to the marriage, due to non-fulfillment of the further dowry demand of motorcycle, the victim was being abused and assaulted by the petitioner. On 16.01.2018, the daughter of the informant was poisoned to death.



It is submitted by learned counsel for the petitioner that postmortem report does not suggest any injury, which completely denies the allegation of assault, though, the viscera report suggests the presence of Aluminum Phosphate, being a pesticide, which is used for protecting the grains.

Learned APP, after going through the case diary, submits that the victim died within two years of marriage and there is specific accusation of demand of dowry and assault against the petitioner.

Though, the postmortem report does not suggest any resisting injury, which substantially negates the accusation of administering the poison, but since the victim died within two years of marriage, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner is rejected in connection with Barhara P.S. Case No. 14 of 2018, pending in the court of learned Chief Judicial Magistrate, Purnea.

However, the petitioner may renew his prayer for bail if the trial is not concluded within a period of one year.

(Dinesh Kumar Singh, J)

Amrendra/-

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