

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2938 of 2020

Arising Out of PS. Case No.-437 Year-2017 Thana- TURKAULIYA District- East
Champaran

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RAJESH PASWAN Son of Gopal Paswan Resident of Village- Raghunathpur,
P.S.- Turkauliya (Raghunathpur O.P.), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-02-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Turkauliya (Raghunathpur) PS case no. 437 of 2017 instituted for the offence punishable under Sections 304(B), 120(B), 302/34 of Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by this Court vide order dated 23.07.2018 passed in Cr. Misc. no. 34290 of 2018.

The allegation is regarding the husband having killed his wife on account of non-fulfilment of the demand for dowry and the petitioner is the husband who is alleged to have killed his wife.



This Court had considered the entire materials on record while rejecting the case of the petitioner for grant of regular bail earlier, which would be evident from the relevant portion of the order dated 23.07.2018, which is reproduced hereinbelow :-

“ The learned counsel for the petitioner submits that there is no marks of external injury. It is also submitted that the petitioner is languishing in custody since 11.08.2017.

Per contra, the learned A.P.P. for the State has submitted that the present case is a clear cut case of the petitioner having killed his wife and the marriage had taken place only two years back. It is further submitted that there are ample materials in the case diary to connect the petitioner with the alleged crime. Lastly, it is submitted that ligature mark has been found on the neck of the victim lady and the victim lady had died of asphyxia due to hanging. Therefore, the complicity of the petitioner is writ large from the record. ”

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 11.08.2017 and there is no progress in the trial.

I have heard the learned counsel for the parties and perused the materials on record. This Court finds that there is no change in circumstance, from the day the prayer of the petitioner for grant of bail was rejected earlier vide order dated 23.07.2018, till date, hence all the more, there is no occasion for



re-consideration of the prayer of the petitioner for grant of regular bail. Moreover, this Court finds that the complicity of the petitioner is writ large which is evident from the records, hence considering the gravity of the offence and the seriousness of the allegations levelled against the petitioner herein, I do not find any merit in the present petition, accordingly the same stands dismissed.

(Mohit Kumar Shah, J)

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