

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19690 of 2020

Arising Out of PS. Case No.-36 Year-2018 Thana- BANDHUWA KURAWA District- Banka

Fekan Paswan @ Rohit Paswan, aged about 22 years, Male, Son of Lilo Paswan, Resident of Village- Ithari, P.S.- Bandhuwa Kurawa, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-08-2020 Heard Mr. Ajay Kumar Thakur, the learned counsel

appearing on behalf of the petitioner and Mr. B.N. Pandey, the

learned Additional P.P.

The petitioner seeks bail in Bandhuwa Kurawa P.S.

Case No.36 of 2018, corresponding to Sessions Trial No.02 of

2020, registered under Sections 302, 506 and 34 of the Indian

Penal Code.

The father of the deceased alleged that his daughter

was married to Shyam Paswan 16 years ago and she got three

sons. On 02.05.2018 at 4 O'clock in the morning the informant

got information that in the night at about 12.00, his daughter

was done to death. When the informant after having received

such information went to the house of his daughter, the sister-in-

law of the deceased and other family members disclosed that



Rohit @ Fekan Paswan had entered into the house of the deceased in the dead of night with intention to outrage her modesty. Some altercation took place between the deceased and Fekan Paswan, the petitioner. On alarm, the son of the deceased woke up and saw the occurrence. Other family members also arrived there but in the meantime, the petitioner is alleged to have strangled Meera Devi, the deceased by tying a rope around her neck and the petitioner with the help of other accused persons dragged the dead body and hanged the same from a tree.

Mr. Ajay Kumar Thakur, the learned counsel appearing on behalf of the petitioner submits that all the family members of the deceased were present but nobody informed the police. The information was given to the police only when the father of the deceased came to the place of occurrence. It is further submitted that from perusal of the postmortem report, it would appear that the deceased got only one ligature mark all around her neck below her chin but no other external injury was found on the body although the prosecution story says that she was dragged to the nearby tree from which she was hanged. Postmortem report says that deceased died of hanging not by strangulation. It is further submitted that the petitioner happens



to be the neighbour of the deceased and on account of some land dispute, the petitioner has falsely been implicated in the case. Two other accused persons have already been enlarged on bail by a co-ordinate Bench of this Court and, therefore, the petitioner deserves bail.

The learned Additional P.P. opposed the prayer for bail and submitted that it was the petitioner who is alleged to have strangled Meera Devi to death and almost all the witnesses who are eye witnesses of the occurrence have disclosed this fact before the Investigating Officer.

Having heard both sides and on perusal of the records, it appears that of course the informant is the father of the deceased and other family members were present in the house but they informed the father of the deceased who came and lodged the case. The husband of the deceased was outside his house to earn his livelihood. It appears that the sister-in-law, son and other family members of the deceased are the eye witnesses of the occurrence and they have earlier stated that it was the petitioner who had firstly entered into the house of the deceased with an intention to outrage her modesty but the deceased protested and there was some scuffle. The son of the deceased also saw the occurrence and raised alarm. Thereafter other



family members also came there and caught the petitioner but in the meantime, the petitioner strangled the deceased by tying rope around her neck with an object that if she remained alive, she might lodge the case under Section 376 IPC. Almost all the witnesses have supported the prosecution case. From perusal of the postmortem report it appears that there was strangulation mark all around the neck of the deceased and it is the case of the prosecution that it was the petitioner who strangled the deceased by tying rope around her neck and thereafter the deceased was hanged from a tree.

Taking into consideration the facts and nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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