

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24146 of 2020

Arising Out of PS. Case No.-221 Year-2019 Thana- DESARI District- Vaishali

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LAL BABU PASWAN @ LALU PASWAN @ BABU PASWAN S/O Ishwar
paswan @ Rameshwar Paswan R/O Village - Pohiyar Bujurg, P.O.- Pohiyar,
P.S. - Deshari (sahadai bujurg O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 26-11-2020 Heard Mr. Manindra Kishore Singh, learned counsel

for the petitioner and Ms. Gulnar Begum, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with Desari
P.S. Case No. 221 of 2019 registered for the offences punishable
under Sections 304(B) and 201/34 of the Indian Penal Code
1860.

The allegation as per the First Information Report is
that daughter of the informant was married to the petitioner in
the year 2013 and after marriage, the petitioner along with other
family members started demanding Rs.1,00,000/- cash and a
Motorcycle as dowry and due to non-fulfillment of the same, the



daughter of the informant was subjected to torture and cruelty. It has further been alleged that on 3.7.2019 at about 10:00 p.m. his daughter called the informant on telephone and told that the petitioner along with his other family members were assaulting and when the informant went to the matrimonial home of his daughter, he did not find anybody present in the house. An old lady villager told the informant that her daughter has been set on fire and was taken to the hospital. It has further been alleged that informant visited PMCH to see her daughter, but he had not found his daughter there. The informant has claimed that his daughter has been killed by the petitioner and his family members.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as in order to bring this case under the purview of Section 304(B) of the I.P.C. the marriage has been shown to be solemnized in the year 2013 whereas the marriage was solemnized in the year 2007 which would be evident from Annexure-2 (copy of the ration card.) Learned counsel further submits that in paragraph-33 of the case diary the witnesses have said that the marriage had taken place about 12 years back. Learned counsel also submits that he has filed supplementary affidavit bringing on



record the prescription of Sadar Hospital Hajipur which shows that the deceased was referred to PMCH, but on way to PMCH, the daughter of the informant died and was cremated by the family members of the petitioner.

On the other hand, learned counsel for the State referring to the First Information Report and the case diary submits that it is specifically mentioned by father of the deceased that marriage had taken place in the year 2013 and there is specific allegation of demand of dowry in the First Information Report and just before the death of the deceased, she had called the informant on phone that she was being tortured. The death has taken place within seven years of marriage and the dead body was disposed of by the petitioner and his other family members clandestinely. As such, the petitioner does not deserve the privilege of regular bail inasmuch as there is presumption under Section 113B of the Evidence Act, because the death has taken place before seven years of the marriage.

Having heard learned counsel for the parties and taking into consideration the materials on record, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail for the petitioner



stands rejected.

However, the petitioner may renew his prayer for bail
after one year if the trial does not show any progress.

(Anil Kumar Sinha, J)

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