

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63887 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- ASHTHAWAN District- Nalanda

JITENDRA PASWAN Son of Ram Bali Paswan Resident of Village-
Sahwajpur, P.S.- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

6 10-09-2020 Heard learned counsel appearing for petitioner,

learned counsel appearing for opposite party no.2 as well as

learned Additional Public Prosecutor appearing for State

through video conferencing.

Petitioner has been made accused in Asthawan P.S.

Case No.101/2019 registered under Section 498A, 302/34 of the

IPC.

Petitioner happens to be husband of the deceased and

it is alleged that he along with his family members committed

the murder of deceased.

Petitioner was granted provisional bail by a co-
ordinate Bench of this Court by order dated 04.11.2019 and

issued notice to opposite party no.2. In pursuance to the above

stated order dated 04.11.2019, the informant appeared before



this Court by filing power in favour of his learned counsel.

Learned counsel appearing for the petitioner submits that the informant lodged this case under misconception because having got information about the death of his sister when he reached near the place of occurrence and having seen the dead body of his sister, he became angry and in anger, he lodged the present case, but subsequently, when he realized his fault, he filed a petition before the court below mentioning the innocence of petitioner and other accused.

Learned counsel appearing for opposite party no.2 seconded the submission of learned counsel of the petitioner.

However, learned Additional Public Prosecutor opposed the prayer submitting that there is specific allegation of committing murder of the deceased against the petitioner and his family members.

The perusal of postmortem report of deceased goes to show that the ligature mark was found on the person of the deceased and the cause of death was asphyxia due to hanging. However, in course of investigation, several co-villagers of petitioner stated before the investigating officer that a petty quarrel had taken place between petitioner and deceased and being annoyed with the aforesaid quarrel deceased committed



suicide by hanging herself. Furthermore, the case diary goes to show that just after the aforesaid occurrence, information to police as well as to informant was given by the family members and co-villagers of the petitioner.

The police has submitted charge sheet under Section 498A, 306 of the IPC against the petitioner but other FIR named accused were not sent up for trial.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of the materials available in the case diary, the provisional bail granted to petitioner, vide order dated 04.11.2019, is hereby confirmed and, accordingly, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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