

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31853 of 2020

Arising Out of PS Case No.-184 Year-2019 Thana- ALAULI District- Khagaria

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1. Raju Pa @ Raju Paswan, aged about 35 years, Male, Son of Baleshwar Paswan.
 2. Khushbu Devi, aged about 30 years, Female, Wife of Raju Pa @ Raju Paswan.
- Both are resident of Village-Parri, PS-Alauli, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Rai, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN

AMANULLAH

ORAL JUDGMENT

Date : 22-03-2021

Heard Mr. Ram Sumiran Rai, learned counsel for the petitioners and Mr. Choubey Jawahar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Alauli PS Case No. 184 of 2019 dated 13.06.2019, instituted under Sections 302/34 of the Indian Penal Code.

3. The petitioner no. 1 is the elder brother of the husband of the deceased whereas petitioner no. 2 is the wife of petitioner no. 1. The allegation against them and other family members is of killing the victim by strangulation.

4. Learned counsel for the petitioners submitted that they have no role in the death of the daughter of the informant as



they were separate in mess and residence from the family of the deceased. Learned counsel submitted that marriage took place in the year 2009 whereas, death has occurred in the year 2019 and though the allegation is that the occurrence took place because of non-fulfillment of demand of dowry but in the past there has been no complaint before any authority or police with regard to any demand made by the accused, especially, the petitioners. It was submitted that the petitioners have no concern with the affairs of the deceased and her husband and that during police investigation, it has come that there were differences between the deceased and her husband and he had also threatened her. Learned counsel submitted that the father-in-law of the deceased, another brother of the husband of the deceased and his wife; namely Baleshwar Paswan, Surendra Paswan and Rina Devi, respectively, have been granted anticipatory bail by a co-ordinate Bench by order dated 18.06.2020 in Cr. Misc. No. 397 of 2020. Learned counsel submitted that during investigation it has come that the petitioner no. 2 was not even present at the time of occurrence as she had gone to the *mundan* ceremony of her nephew.

5. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story and the petitioners



were also involved in demand of dowry and the death of the daughter of the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class Khagaria in Alauli PS Case No. 184 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall co-operate with the Court/police/prosecution. Failure to do so shall lead to cancellation of their bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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