

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2669 of 2022

Arising Out of PS. Case No.-250 Year-2020 Thana- KHUSRUPUR District- Patna

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MANNU PASWAN @ RAJA PASWAN Son of Late Rudal Paswan A resident
of Village - Baikatpur Mahadeo Asthan, P.S. - Khusrupur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 304B, 120B and 34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 02.08.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant alleges that his niece (deceased) was
married to the petitioner in the year 2019 in which Rs.
2,51,000/- cash along with gold and other ornaments were given
to the deceased, it is next alleged that the deceased 3-4 days
back talked to her brother and informed him that her husband
used to assault her in a drunken state and also threatened her



that he will kill her. It is further alleged that on 01.08.2020 at about 5:00 am, petitioner informed the aunt of the deceased that the deceased has hanged herself, accordingly the informant along with his family members reached at the place of occurrence and saw that the dead body of the deceased was lying on the bed and saw a black mark on the neck of the deceased thus it is alleged that all the named accused persons, including the petitioner, killed his niece.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the allegation as alleged it would manifest that the F.I.R. does not even remotely suggest that any dowry was being demanded as such it cannot be presumed that the death was a dowry death, it is next submitted that the deceased either was killed by the petitioner or she committed suicide; if she was killed by the petitioner, then it is a case under Section 302 which needs to be proven by the prosecution and if it was a case under Section 306 of the I.P.C., then it was the deceased who committed suicide when there is no allegation of demand of dowry as such it can be presumed that normal wear and tear of life led to the deceased committing suicide.

Learned A.P.P. for the State vehemently opposes the



prayer for bail of the petitioner and submits that no doubt the F.I.R. does not even remotely reflect that any dowry was being demanded but then the marriage was performed in the year 2019 and even presuming what is being submitted by the learned counsel for the petitioner that the deceased committed suicide then she committed suicide in the year 2020 i.e., within one year of marriage. Learned A.P.P. further submits that the petitioner being the husband of the deceased had all responsibilities towards her and if she committed suicide then the condition was made conducive for her to take such an extreme step to take away her life.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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