

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13981 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- PANDARAK District- Patna

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Shubhash Paswan @ Shubhash Kumar, Son of Sri Aitwari Paswan, Resident
of Village- Pandarak, P.S.- Pandarak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Adv.

Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 28-02-2022 Heard the counsel for the parties.

The petitioner, who is the husband of the deceased, seeks bail in anticipation of his arrest in connection with Pandarak P.S. Case No. 02 of 2020 instituted for the offences under Sections 304(B) and 34 of the Indian Penal Code.

The accusation in the F.I.R. is that for some time before the occurrence, the petitioner had been demanding



additional dowry of Rs. 1,50,000/-. The informant was made to understand that the deceased was strangled to death by the petitioner along with his sister-in-law.

It has been urged on behalf of the petitioner that there is no eye-witness to the occurrence and the accusation has been hurled only on the basis of suspicion and surmises. It has further been submitted that when the actual fact came to the fore, the informant, who is the brother of the deceased, now does not wish to prosecute the petitioner any further.

However, regard being had to the status of the petitioner, namely, his being the husband of the deceased and there being no explanation whatsoever of her death within seven years of marriage, I am not inclined to grant anticipatory bail to him.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the



present anticipatory bail application has not been entertained
by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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