

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4760 of 2022

Arising Out of PS. Case No.-329 Year-2020 Thana- SIKARPUR District- West Champaran

RAJESHWAR PASWAN SON OF KRISHNANATH PASWAN R/O
VILLAGE- FULWARIYA, P.S.- SHIKARPUR, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Shikarpur

P.S. Case No. 329 of 2020 registered for the offence under

Sections 304(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 07.11.2021.

The allegation against the petitioner is to cause death

of his wife, who is the daughter of the informant along with

other family members/co-accused persons, for non-fulfillment



of demand of dowry.

Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of FIR, it appears that demand of dowry was never raised by this petitioner and his relative/family members. It is also submitted that just to give a colour of more heinous offence under Section 304(B) of the IPC, a general and omnibus allegation regarding demand of dowry was raised and attached with allegation, which is otherwise purely a suicide out of family frustration. It is also submitted that parents of deceased were informed by this petitioner to join the last rites and postmortem report does not suggest any external and internal injuries. It is also submitted that post-mortem report shows, cause of death is *ex-facie* due to 'hanging', which also suggest that suicide was committed by deceased.

Learned APP appearing for the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as there is not external/internal injuries found upon the body of the deceased, where, cause of death is *ex-facie*, due to 'hanging', suggesting *prima-facie*, to commit suicide by the deceased in the background, where, allegation of dowry appears



very superficial coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shikarpur P.S. Case No. 329 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. at Bettiah, West Champaran/concerned court, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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