

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6938 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- KARAHGAR District- Rohtas

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Ratan Paswan @ Ram Ratan Paswan S/o Chaturi Paswan R/o village-
Jhalkhora, P.S.- Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kargahar P.S. Case No. 187 of 2021 registered
for the alleged offences under Sections 304B, 201 and 34 of the
Indian Penal Code.

As per prosecution case, informant gave a written
report to the police that her daughter who was married with the
petitioner was strangled to death by the petitioner and other
co-accused persons on account of their demand of motorcycle in
dowry. She has further alleged that the accused persons used to
beat and torture her daughter.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the marriage was solemnized in May 2014 and the occurrence took place on 17.17.2021. Obviously, there would be no application of Section 304B IPC in this case. There is delay of 8 days in lodging the FIR for which there is no explanation. Though, the marriage was solemnized more than 7 years ago, there has been no complaint in the meantime for any demand of dowry as alleged in the FIR. Learned counsel further submits that the death of the daughter of the informant took place due to cholera and the informant was informed and she along with her husband and daughter reached at the matrimonial home of her daughter. Thereafter, with their consent the cremation was performed in presence of family members and villagers. This fact has come on record during investigation that the informant and husband reached at the matrimonial home of her daughter where they saw the dead-body lying in a room. This fact was also admitted by the informant in her restatement but at that time the informant did not lodge any complaint with the police. The reason for lodging the FIR is that after death of the deceased daughter of the informant, the informant side was putting



pressure on the petitioner to solemnize marriage with the informant's second daughter which he refused and this caused annoyance to the informant. Due to this annoyance this case has been lodged against the petitioner and others. Learned senior counsel further submits that the petitioner has got three children from the deceased and he is a labourer and was not even present at the place of occurrence on the date of occurrence as he had gone to another village for sowing paddy plants. The petitioner is in custody since 09.10.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that petitioner is the husband and the death of his wife took place in his house.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period between the marriage and the death of the daughter of informant and further considering lack of substantive material on record to show the complicity of the petitioner in the death of his wife and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sasaram (Roshtas) in connection with Kargahar P.S. Case No. 187 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

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(Arun Kumar Jha, J)

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