

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40847 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- MOKAMAH District- Patna

AKSHAY PASWAN, Son of Kamdeo Paswan Resident of Village- Mor, P.S.-
Mokama, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 02-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Mokama P.S. Case No. 17 of 2020, for the offence punishable
under Sections 304(B)/34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant
has solemnized the marriage of his sister, namely, Arti Kumari
with the petitioner according to Hindu customs. Allegation is
that within three months of her marriage, all the accused persons
named in the F.I.R. started torturing his sister and ultimately, she
has been killed by them due to non-fulfillment of demand of
dowry.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner, who is the husband of deceased, was not present at the time of alleged incident in which the deceased had committed suicide by hanging, the *ante mortem* report, as well as, the evidences collected in course of investigation, statement of the independent witnesses recorded in paragraph Nos. 10 to 17 of the case diary shows that the deceased was not sound mental condition and had committed suicide in absence of the petitioner and his family members. It is specific case of the petitioner that he along with his family member were at Mokama Police Station in connection with land dispute. The petitioner is in custody since 20.06.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that the Doctor has opined that the cause of death is cardiac respiratory fracture asphyxia caused by hanging, but the Doctor has not given any specific opinion as to whether this is a suicidal death or not.

Considering the aforementioned facts and circumstances of the case, the rival submissions of the parties as well as allegation made in the F.I.R. it appears that in course of investigation, no incriminating evidence has been collected against the petitioner and his family members. In paragraph Nos. 10 to 17 of the case diary, all the independent witnesses



have supported that behaviour of deceased was not sound and she was treated at Vardhman Institute of Medical Sciences, Pawapuri, Nalanda for her mental disorder. The Doctor has also opined that the cause of death is due to asphyxia caused by hanging, there is distinct legature mark under neck, no mark of assault has been found on the body of deceased, prima facie, the petitioner has made out a case to be released on bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Barh, Patna in connection with Mokama P.S. Case No. 17 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

