

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61031 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- TARABARI District- Araria

Mr Satish Paswan, Son of Late Pravin Paswan, Resident of Ghurghura, Ward No.- 17, P.S. - Tarawari, P.O.- Bhojpur, Madanpur, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Apurv Harsh, Advocate

For the Opposite Party/s : Mr. Manu Tripurari
Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 06-09-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Tarawari P.S. Case No. 69 of 2021, registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the deceased daughter of the informant solemnized marriage with the petitioner during continuation of his first marriage. After a month of their marriage, the informant came to know that his daughter was



strangled to death by the petitioner, his first wife and his brother.

The learned senior counsel appearing on behalf of the petitioner submits that the prosecution case against the petitioner does not appear to be probable as just a month prior to death of the daughter of the informant, he has solemnized marriage with her. It has also come during investigation that the first wife of the petitioner returned and there has been quarrel in the night when the occurrence took place. There has been no complaint against the petitioner or his family members by the deceased and it appears that being aggrieved with the return of the first wife of the petitioner, the deceased committed suicide. None of the witnesses, who are neighbours, have stated about the petitioner or other co-accused persons killing the daughter of the informant. If she was beaten by the petitioner and others, then they would certainly have heard some crying or shouting of the deceased. The learned senior counsel further submits that the post mortem report cannot be taken as conclusive finding on the cause of the death of the daughter of the informant since the size and the shape of the ligature mark has nowhere been discussed in the post mortem report. The learned senior counsel further submits that the petitioner is having two children aged about 3



years and 5 years, respectively and the petitioner's first wife has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 24.03.2022 passed in Cr. Misc. No. 60966 of 2021. The petitioner is in custody since 27.06.2021 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner and other co-accused persons. The death has occurred in the house of the petitioner and the post mortem report shows cause of the death to be asphyxia as a result of strangulation.

Perused the records.

I have given my thoughtful consideration to the submissions made on behalf of the parties and considering the fact that occurrence took place in the house of the petitioner and the death occurred due to strangulation as shown in the post mortem report and the petitioner failed to explain the incriminating circumstances, there is lingering suspicion over the role of this petitioner in causing the death of the daughter of the informant.

In view of serious and grave nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail at this stage.



Accordingly, his prayer for bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same within one year.

(Arun Kumar Jha, J)

V.K.Pandey/-

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