

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22541 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- NAUBATPUR District- Patna

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SUMAN KUMAR @ RAJA SON OF SANJAY PASWAN RESIDENT OF
VILLAGE- AROPUR, PS- NAUBATPUR , DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Usha Kumari Singh, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 1. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
29.07.2022 in connection with S. Tr. No.205/2023, arising out
of Naubatpur P.S. Case No. 119/2022, dated 01.03.2022, for the
offences punishable under Sections 304(B)/34 of the IPC.

3. According to prosecution case, the petitioner along
with other co-accused persons are said to have committed
murder of the deceased due to non-fulfillment of the demand of
dowry.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the ground that the
petitioner is husband of the deceased. He further submits that



the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there was number of ante-mortem injuries found on the person of the deceased:-

1. Abrasion of 2 cm x 1 cm over the right side of face over the mandibular region and 0.5 cm below the right angle of the mouth, with reddish black scab.

2. Abrasion of 1 cm x 1 cm over medial aspect of left elbow, with reddish scab.

3. Laceration 0.5 cm x 0.5 cm sub mucosal deep over the inner aspect of lower lip starting in the midline and extending to the right side, reddish in colour.

4. Contusion 5 cm x 4 cm over the medial aspect of left elbow over the medial epicondyle, bluish red.

5. Contusion 3 cm x 2 cm over the medial aspect of right elbow over the medial epicondyle, bluish red.

6. Ligature mark-

A. On external examination:- Two ligature marks were seen on the front, side and back of the neck and are as below:

I. The first ligature mark is transverse and completely encircling the neck situated just below the thyroid cartilage in the midline. The mark was faint and reddish in colour on the right side of the neck but more prominent, brown and parchmented on the left side of the neck and at the back.



a. The length of the ligature marks is 30 cm and breadth are ranging from 0.5 cm and 1 cm.

b. Situated 6 cm below the chin and 9 cm above the sternal notch in the midline, on the right side 4.5 cm below the right angle of mandible end of right clavicle, on the left side 4 cm below the left angle of the mandible and 9 cm above the left medial end of the clavicle. At the back the ligature mark was horizontal across the neck situated 10 cm below the occipital protuberance and 5 cm above the C7 cervical vertebrae.

ii. The second ligature mark is obliquely placed above the thyroid cartilage in the front of the neck extending from the right angle of mandible crossing the midline in front and merging with the first ligature mark on the left side of the neck. The ligature mark is prominent brown and parchmented on the right side of the neck beneath the right angle of mandible and in the midline, faint and reddish over the left side of the neck.

a. The length of the ligature mark is 15.5 cm and breadth ranging from 0.3 cm to 1 cm.

b. It is situated on the right side of the neck just below the right angle of the mandible and 13 cm above the right clavicle, in the midline 5 cm below the chin and 11 cm above the sternal notch, and on the left side of the neck 7.5 cm below the left angle of the mandible and 5 cm above the left mid-clavicle.

7. On the neck dissection internally:

i. The subcutaneous tissue beneath the ligature marks is faintly white.

ii. Contusion of 3.5 cm x 3 cm over the posterior aspect of trachea and oesophagus in the neck tissue at the lower level of thyroid cartilage and upper border of cricoid cartilage.

iii. Contusion of 1.5 cm x 0.5 cm in the neck tissues over the posterior aspect of the left thyroid lamina.



- iv. Contusion of 3.5 cm x 3 cm in the right thyrohyoid membrane.
- v. Contusion of 2 cm x 1 em in the posterior neck tissue over left horn of hyoid bone.
- vi. Contusion of 2.5 cm x 1.5 cm in the posterior neck tissues behind the oesophagus and trachea at the posterior border of the left thyroid lamina.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with S.Tr. No.205/2023, arising out of Naubatpur P.S. Case No.119/2022, pending in the court of learned Additional District and Sessions Judge-VI, Danapur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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