

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28818 of 2022

Arising Out of PS. Case No.-122 Year-2020 Thana- INDUSTRIAL AREA District- Vaishali

Ajay Paswan, Son Of Mahindra Bhagat, Resident Of Village - Bari Yusufpur,
Ps- Industrial Area (Hajipur) Dist- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Patel- Advocate
For the State	:	Mr. Rabindra Kumar- A.P.P.
For the Informant	:	Mr. Prakash Chandra- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B), 34 of the Indian
Penal Code, but the police submitted charge-sheet under Section
302, 34 of the I.P.C.

The learned counsel for the petitioner submits that the
petitioner is in custody since 19.08.2020, he is a person with
clean antecedent and the informant alleges that his sister was
married to the petitioner in the Year 2009 and out of the
wedlock, two children were born. It is next alleged that on
08.08.2020, petitioner came to the house of the informant and
demanded a motorcycle and Rs. One Lac by way of dowry and



also threatened that for non-fulfilment of the same, dire consequences would be faced by the victim i.e. his sister.

It is further alleged that on 18.01.2020 at about 11.30 P.M., informant received an information that his sister has been killed by the accused persons including the petitioner. Accordingly, he reached the place the occurrence and found his sister lying dead and thus, alleges that the named accused persons including the petitioner killed his sister.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that the marriage was 11 years old and out of the wedlock, two children were born and in between these 11 years, no case ever came to be instituted either by the informant or the deceased, which amply demonstrates that the relationship between the petitioner and the deceased was cordial. It is next submitted that it absolutely does not stand to reason that as to why the petitioner would have gone to the house of the informant asking for dowry when in these 11 years, no such demand was never made.

The learned counsel submits that from perusal of the post mortem, it would manifest that the same records bruise present over upper and front of neck horizontally, no other



external injury found over the body and thereafter, it is recorded that the cause of death is due to asphyxia following throttling which is not understandable.

It is next submitted that the informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion and the petitioner came to be implicated merely because he is husband of the deceased when the marriage was 11 years old and no complaint ever came to be instituted as aforesaid.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but the learned counsel for the informant is not in a position to rebut the submission of the learned counsel for the petitioner that in these 11 years, no case ever came to be instituted either by the informant or the deceased against the petitioner or his family members with regard to torture and demand of dowry.

The learned counsel for the informant at this stage submits that no doubt, the petitioner is in custody since 19.08.2020, but till date, charges has not been framed.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the present bail application with a liberty to the petitioner to renew his prayer for bail after framing



of charge.

Permission is accorded.

Accordingly, instant petition is dismissed as
withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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