

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31847 of 2023

Arising Out of PS. Case No.-482 Year-2021 Thana- HARSIDHI District- East Champaran

Satendra Paswan @ Satyendra Paswan, Son of Binda Paswan @ Binda Hajra
Resident of Village - Padhariya (Padria Kanchhedwa), P.S. - Harsiddhi, Distt.
- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sessions
Trial No. 610 of 2022 arising out of Harsidhi P.S. Case No. 482
of 2021 registered for the offence under Sections 304B, 34 of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.01.2022.

The allegation against the petitioner is to cause death
of sister-in-law of informant and other co-accused
persons/family members, due to non-fulfillment of demand of
dowry as raised for cash of Rs. 50,000/- and one buffalo.



Learned counsel appearing on behalf of the petitioner submitted that the present occurrence took place out of normal matrimonial discord and in movement of spur where wife of this petitioner hanged herself after closing the door of the room, where occurrence alleged to be taken place. It is pointed out that the cause of death as per post-mortem report is “asphyxia due to hanging”. It is also submitted that nothing surfaced during the course of investigation, which may suggest that act of petitioner is so active or direct act leading the deceased to commit suicide, being left with no option. It is also pointed out that *mens rea* of petitioner to commit present offence can also not be collected from available fact and circumstances as collected during the course of investigation. In support of submission, learned counsel relied upon the report of Hon’ble Supreme Court as reported through **2016 SCC onLine SC 1415** in the matter of **Gurcharan Singh Vs. State of Punjab**. It is also submitted that demand of dowry is also appearing very much general and omnibus and that too not appearing, soon before the occurrence. It is also pointed out that marks of violence were not noticed during course of investigation, suggesting that the deceased was not subjected cruelty/physical assault soon before the occurrence. While concluding the argument, it is submitted that



petitioner is a man of clean antecedent, and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact that nothing surfaced during the course of investigation, which may suggest *prima facie* that act of petitioner is so active or direct act which forced his wife to commit suicide leaving no other option, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 19.01.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Harsidhi P.S. Case No. 482 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 12th Additional Sessions Judge, East Champaran, Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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