

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44006 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- SIKARPUR District- West Champaran

Manjit Paswan Son Of Govind Paswan R/O Village- Dhankutwa, P.S.-
Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 20-02-2023 Learned counsel Mr. Vishwajeet Kumar Mishra

appearing for the petitioner and learned APP Mr. Md. Nazir

Ansari appearing for the State are present and they are heard

Petitioner seeks regular bail in connection with

Shikarpur P.S. Case No. 226 of 2021 (G.R. Case No. 1643 of

2021) registered for the offences punishable under Sections

304(B) and 201/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that his

sister was killed by her in-laws including this petitioner over the

demand of dowry. It is further alleged that when the informant

reached cremation ground (*shamshan*), he saw that his sister's

in-laws were cremating the body of the victim.

The main submissions advanced by learned counsel

Mr. Vishwajeet Kumar Mishra appearing for the petitioner are

that the victim died on 18.04.2021 and her death was quite natural as her *Appendix* got burst and thereafter the petitioner attempted to admit his wife in hospital but on account of prevailing situation of Covid 19, no hospital admitted the victim for medical treatment and finally due to non-providing of medical treatment the victim died and in the cremation of the deceased, the informant and other family members also participated and thereafter all of a sudden, the informant lodged the instant matter.

Learned APP Mr. Md. Nazir Ansari appearing for the State and learned counsel appearing for the informant have vehemently opposed the bail prayer as well as the defence taken by the petitioner and submitted that there is no any documentary material to support the petitioner's defence as to the victim having suffered burst of *Appendix* hence, the said defence is not believable and there is direct allegation against the petitioner in the FIR.

Having considered the seriousness of the occurrence which relates to unnatural death of the victim who happened to be the wife of the petitioner and her death took place within two years of her marriage and as per the allegation made in the FIR, the petitioner and his family members subjected the victim to

torture for the demand of dowry and they also burnt the dead body of the deceased in order to conceal the main evidence of the commission of the alleged crime, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J)

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