

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46215 of 2023

Arising Out of PS. Case No.-96 Year-2014 Thana- SIMRI District- Darbhanga

Raza@ Sumit Paswan Son Of Devendra Paswan Resident Of Village- Teunga,
Ps- Simri, Distt- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ugranath Mallik, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Simri P.S. Case No. 96 of 2014 registered for the offences punishable under Sections 341, 326, 307, 398(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that she was married with one accused Rohit Paswan and went to her matrimonial home. After some time the accused persons demanded case of Rs. 2 lakhs and one motorcycle and due to non-fulfillment of the said demand they used to torture her mentally as well as physically. She further alleged that on 16.07.2014 all the accused persons entered in her room and



poured kerosene oil on her body and co-accused Sukumari Devi set fire on her body, as a result of which she sustained burn injury.

Learned counsel for the petitioner submits that petitioner happened to be the Dewar of the deceased and in this case after investigation a charge-sheet was submitted against Devendra Paswan and Sanjay Paswan but both have been acquitted by the learned trial court. The husband of the deceased has also been acquitted. It is submitted that at the time of occurrence the petitioner was aged about 14 years. It is further stated that a charge-sheet has also been served against the petitioner vide charge-sheet No. 117/2016.

This Court has noticed from the observation of learned Additional Sessions Judge, Darbhanga that the petitioner had moved the court of learned Sessions Judge earlier for grant of pre-arrest bail vide ABP No. 256/2016 which was dismissed vide order dated 16.03.2016, but thereafter the petitioner neither moved this Court nor surrendered as a result whereof the trial could not progress against him. He moved afresh before the learned Session Judge, Darbhanga only in the year 2023.

Having regard to the conduct of the petitioner in not seeking his remedy for about seven years and at the same time



he did not surrender in the learned court below, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

