

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49577 of 2023**

Arising Out of PS. Case No.-133 Year-2022 Thana- BAUNSI District- Banka

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DIWAN PASWAN S/O BISHESHWAR PASWAN R/O VILLAGE- MARSA,  
PS. BOUNSI, DIST. BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar @Deepak Sahay

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

4      11-12-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case  
instituted for the offence under Sections 304(B) and 34 of the  
Indian Penal Code.

3. The allegation against the petitioner along with  
others is of killing the daughter of the informant, due to non-  
fulfillment of further dowry demand.

4. It is submitted by learned counsel for the petitioner  
that petitioner has been falsely implicated in this case due to  
dirty village politics. He has committed no offence. Petitioner is  
the husband of the deceased. There is no eye witness of the  
alleged occurrence, on the basis of suspicion, implicated in this  
case. He submitted that, it is evident from the prosecution case



itself in which that the informant has himself has stated that his victim daughter was being brought to Helo Max Hospital for her treatment and if really there had been any intention to kill the deceased of the accused persons then they should have disposed her dead body after killing her, so this circumstances alone goes to show the false implication of the petitioner and others. He further submitted that on the alleged date of occurrence i.e., on 09.06.2022 some hot altercation took place in between the deceased with her husband and due to that anguish she herself has consumed celphos in absence of her husband due to which her cardiac respiratory go failure and on being returned to his home he came to know all those thing, then he firstly informed the informant and his family members and then immediately brought her at Helo Max Hospital at Bhagalpur, where she got treated but in course of treatment she died in hospital and it is also evident from her examination report. There is no any prior complaint regarding assaulting, harassment and torturing to the deceased against the petitioner and others. He is languishing in judicial custody since 08.02.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and



considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed.** The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Bounsi P.S. Case No. 133 of 2022.

**(Sunil Kumar Panwar, J)**

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