

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52496 of 2022

Arising Out of PS. Case No.-178 Year-2018 Thana- MUSAHARI District- Muzaffarpur

Deepak Paswan S/o Sri Nagendra Paswan, R/o village- Dumri, P.S.-
Mushahari, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Abhay Kumar, Advocate

For the Opposite Party : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner seeks regular bail in connection with Musahari
P.S. Case No. 178 of 2018 registered for the offences punishable
under Sections 304(B) and 201/34 of the Indian Penal Code.

As per the prosecution, the informant's daughter was
killed by this petitioner and her in-laws over non-fulfillment of
dowry demand.

The main submissions advanced by learned counsel for
the petitioner are that as per the FIR the alleged occurrence took
place on 20.07.2018 but the FIR was lodged on 24.07.2018 and
no explanation was given regarding the delay in lodging the
FIR, allegedly a wild pig attacked and killed the victim on the
fateful day of the alleged occurrence and the same has been
corroborated by the witnesses examined during the investigation

and at the time of funeral of the deceased the informant and his brother participated in it and the petitioner has been languishing in jail since 07.06.2022.

Learned APP for the State has opposed the bail prayer.

Considering the seriousness of the occurrence which relates to unnatural death of the informant's daughter within three years of her marriage at her *Sasural* and the petitioner happens to be the husband of the victim and as per the allegation, the victim was always subjected to physical torture by the petitioner and his family members and admittedly the victim's body was not *postmortemed* and the defence taken by the petitioner as to the death of the victim having been caused by a wild animal does not appear believable, in the opinion of this Court, it is not a fit case for bail to the petitioner. Accordingly, the petitioner's prayer for bail stands rejected.

(Shailendra Singh, J)

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