

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55504 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- SAUR BAZAR District- Saharsa

Kundan Paswan Son Of Mohan Paswan Resident Of Village- Sahuriya Ward
No 13 Sonbarsa Tola Ps Saur Bazar, Dist- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B), 302 and 34 of the Indian Penal Code.

Prosecution case relates to commission of murder of the informant's daughter due to non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is the husband of the deceased due to which he has falsely been implicated in this case. No one is the eye witness of the alleged occurrence. There is no prior complain with respect to harassment, torture and ill treatment to the deceased made against the petitioner. It is further submitted in para 10 of the petition that



after solemnization of marriage the petitioner and his family members tried their level best to keep her with all dignity and honour. In fact, the deceased committed suicide herself. It is also submitted that as per the postmortem report which is annexed with the case diary, the cause of death of the deceased is asphyxia due to hanging. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 25.02.2023.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that the petitioner is the husband of the deceased and the death occurred within seven years of marriage.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sour Bazar P.S. Case No. 107 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saharsa.

(Sunil Kumar Panwar, J)

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