

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58867 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- HISUWA District- Nawada

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Vickey Paswan, S/O Binod Paswan, Village-Nandlal Bigha, Ps- Hisua, Dist-
Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

Mr. Anil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner, informant
and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Hisua P.S. Case No. 134/2023, lodged on 14.03.2023 under
Sections 304B/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against four named accused persons including the
petitioner who is alleged to be the husband of the victim. It is
alleged that the marriage of the daughter of the informant was
solemnized with the petitioner in the year 2018, but thereafter,
demand of dowry was made and due to non-fulfillment of the
same, the victim was tortured and assaulted. Ultimately, on



14.03.2023, the daughter of the informant was killed by hanging her on a ceiling fan.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is true that the death of the victim has been caused within 7 years of the marriage but as per the content of the FIR it appears that the compromise took place between them on 22.12.2022 and, thereafter, the petitioner along with the victim started living separately, but after three months of the separation, the present occurrence took place on 14.03.2023.

5. Learned counsel for the petitioner further submits that the case diary has been called for in the case and paragraph No. 50 of the case diary is very much relevant in which the independent witnesses have deposed their evidence under Section 161 of the Code of Criminal Procedure to the effect that on the date of occurrence, the petitioner was not available at the house as he had gone to attend a marriage ceremony at Dhanbad, therefore, he submits that the ingredients immediately after the death is not available in the present case. As such, all ingredients of 304 B of the IPC is not attracted.

6. He further submits that it is an unfortunate circumstance when a mother died leaving behind his son aged



about 2 ½ years and this can be only and only when a though of person is not of normal stand. He further submits that in the case diary other witnesses have disclosed that it is not a case of murder rather it is case of suicide. The antecedent of the petitioner is clean and he is in custody since 18.03.2023.

7. Learned counsel for the State opposes the prayer for bail.

8. Learned counsel for the informant vehemently opposes the prayer for bail and submits that FIR has been lodged under Section 304B of the Indian Penal Code.

9. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

10. Accordingly, the prayer for regular bail of the petitioner in connection with Hisua P.S. Case No. 134/2023, pending before the learned ACJM, VI, Nawada is hereby rejected.

11. However, the petitioner would be at liberty to renew his prayer for bail nine months after framing of the charge. The prosecution witness shall be at liberty to adduce the evidence in the prosecution within the said period, if they shall not adduce evidence within the said period then the accused is hereby directed to be released on bail by the trial court imposing



its own conditions so that he may not evade appearance before
the trial Court.

(Dr. Anshuman, J)

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