

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64683 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- KARAHGAR District- Rohtas

1. SURENDRA PASWAN Son of Jagmohan Paswan Resident of Village- Barahari, P.S.- Kargahar (Barahari O.P.), District- Rohtas at Sasaram
2. DHIRAJ KUMAR @ DHIRAJ PASWAN Son of Surendra Paswan Resident of Village- Barahari, P.S.- Kargahar (Barahari O.P.), District- Rohtas at Sasaram

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Adv.
For the Opposite Party/s : Mr.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2023 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned A.P.P. for the State.

The petitioners seek bail in connection with Kargahar P.S. Case No. 172 of 2021 dated 13.07.2021 registered for the offence under Sections 365 and 34 of the Indian Penal Code.

The daughter of the informant is alleged to have been killed by the petitioners and his family members on account of non-fulfillment of demand of dowry and her dead body is allegedly eloped by the F.I.R. named accused persons including the petitioners.



Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R, is false and fabricated as no such occurrence has taken place. He further submits that the petitioner No.1 happens to be father-in-law and petitioner No.2 happens to be brother -in-law of the daughter of the informant and no specific allegation of assault of any overt act is attributed to the petitioners rather there appears to be general and omnibus allegation leveled against the accused persons including the petitioners based on suspicion only. They have never demanded any dowry nor they assaulted the daughter of the informant in any manner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioner is rotting in judicial custody since 30.07.2022.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioners and submits that it is purely a case of dowry death and these petitioners have played crucial role in the commission of murder of the daughter of the



informant on account on non-fulfillment of demand of dowry. Learned counsel for the informant further contends that the S.D.P.O. concerned in his supervision has found the case to be true of murder and submitted its report under Sections 304(B), 201, 120(B) of the Indian Penal Code. She further relied upon the written statement of one independent witness, namely, Gautam Kumar, who has clearly narrated the story in paragraph-81 of the case diary which is sufficient to suggest that the victim has been murdered and her corpse is disposed at the instance of the petitioners to save their skin.

Considering the facts and circumstances of the case and the rival submission of the parties and also the nature of offence of murder, this Court is not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of these petitioners is, hereby, rejected.

(Rajesh Kumar Verma, J)

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