

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67470 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Nitish Paswan S/O Ramdeo Paswan Resident Of Village- Baluahi, P.S.-
Mohiuddin Nagar, District- Samastipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rabia Gulnaz, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-03-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in Mohiuddin Nagar P.S. Case No. 109 of 2022 registered for the offences punishable under Sections 304B of the Indian Penal Code and Section 3/4 of the D.P. Act pending in the Court of learned A.C.J.M.-IV.

Allegation against the petitioner is that he along with other co-accused persons, due to non-fulfillment of demand of money for the purpose of constructing house, tortured the deceased from various sorts and later on killed her by hanging while she was cooking food and cremated her dead body without giving intimation to police.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He submits



that the petitioner is the husband of the deceased. He submits that at the time of occurrence petitioner was living in Bombay. He submits that neither the petitioner demanded dowry nor tortured the deceased rather the fact that the deceased was suffering from ailments and due to which she died. He further submits that there is no criminal antecedent against the petitioner as mentioned in para 3 of this application.

Learned APP for the State opposes the bail petition submitting that specific overt act has been attributed against the petitioner. Hence, the petitioner does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the fact that there is incriminating material against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Mohiuddin Nagar P.S. Case No. 109 of 2022.

The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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