

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66666 of 2022**

Arising Out of PS. Case No.-43 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

ANIL PASWAN S/O SADHU PASWAN Resident of Village- Asma, P.S.-  
Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar Jha, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

4      20-04-2023                      Heard learned counsel for the petitioner and the  
learned APP for the State.

2. Petitioner seeks regular bail in connection with  
Ghanshyampur P.S. Case No. 43 of 2021 dated 01.03.2021  
registered for the offences punishable under Sections 302 and  
201/34 of the Indian Penal Code.

3. The main submissions advanced by petitioner's  
counsel are that in fact the deceased who happened to be the  
wife of this petitioner committed suicide on account of her illicit  
relationship with someone and that relationship came into the  
knowledge of her in-laws and thereafter out of shame, she  
committed suicide and during investigation, independent  
witnesses also supported the factum of suicide by the victim and  
after her death, the informant and other parental family



members of the deceased were informed and they arrived and agreed to cremate the dead body of the deceased and thereafter with malice intention, they lodged the FIR of the present matter and though against the petitioner, victim's seven years old daughter made allegations relevant to the alleged offences of the FIR but the statement of the said witness is simply tutored as admittedly she was residing at parental house of her mother (*Nanihal*). Further submissions are that at the time of commission of the alleged occurrence, the petitioner was residing and working in Bombay for the purpose of his livelihood and he came to his village after getting the information of the alleged occurrence and the said fact has been supported by several witnesses during investigation and in the present time, the petitioner is facing trial and has been languishing in jail for the last two years. Further submission is that the co-accused namely Sunil Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 17.04.2023 passed in Cr. Misc. No. 65769/2022.

4. Learned APP appearing for the State has opposed the bail prayer and submitted that against the petitioner, there is serious allegation and petitioner's own daughter has supported the said allegation.



5. Considering the seriousness of the accusation appearing against the petitioner from the victim's daughter's statement, in which she stated that firstly, the co-accused assaulted and killed the victim and thereafter the petitioner hanged the body of the deceased and as per the statement of the witnesses, the accused persons including the petitioner were found cremating the dead body in a haste manner and when the police arrived, the accused persons fled away and then the body of the deceased, in half burnt condition, was taken out from the cremation and thereafter the post-mortem was conducted, in my opinion it is not a fit case for bail to the petitioner at this stage. Accordingly, his bail prayer stands rejected.

6. The petitioner may renew his bail prayer after six months if no significant progress is made in his trial.

**(Shailendra Singh, J)**

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