

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71956 of 2022**

Arising Out of PS. Case No.-51 Year-2022 Thana- GOVINDGANJ District- East Champaran

Sudish Paswan Son of Late Rajbanshi Paswan Resident of Village- Khajuriya,
P.S.- Malahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate Ms. Rashmi Jha, Advocate
For the Opposite Party/s :		Mr. Shazad Kumar Verma, Advocate Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 19-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Govindraj
(Malahi) P.S. Case No. 51 of 2022 registered for the offence
under Section 302/34 of the Indian Penal Code (in short
'I.P.C.').

The accused/petitioner is named in the F.I.R. and is in
custody since 04.08.2022.

The allegation against the petitioner is to cause death
of the sister of the informant alongwith family members/co-
accused persons due to non-fulfillment of demand of dowry as
raised for cash of Rs. 5,00,000/- (Rupees Five Lac only) and one
motorcycle.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner falsely implicated in this case after 13 years of his marriage. It is submitted that after investigation the chargesheet was submitted under Section 306 of the I.P.C., where learned Judicial Magistrate after taking note of material collected during the course of investigation also took cognizance under Section 306 of the I.P.C. It is submitted that nothing surfaced during the course of investigation which may suggest that the act of petitioner was so active or direct forced deceased to commit suicide, leaving no other option. It is also submitted that as per post-mortem report the cause of death appears as '**ashpyxia due to hanging**', where no external injuries were reported negating, *prima facie*, physical assault soon before the occurrence. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may suggest that the act of petitioner was so active or direct in nature which forced deceased/wife to commit suicide,



leaving no other option coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 04.08.2022, accordingly, the petitioner, above named, is directed to be released on bail in connection with Govindganj (Mahila) P.S. Case No. 51 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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