

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69478 of 2022

Arising Out of PS. Case No.-340 Year-2019 Thana- BHAGWANPUR District- Vaishali

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SANJAY PASWAN Son Of Dasai Paswan R/O Village- Muzaffarpur Malahi,
P.S.- Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with S.Tr.
No. 88 of 2022 arising out of Bhagwanpur P.S. Case No. 340 of
2019, registered for the offences punishable under Sections
304(B) and 201/34 of the Indian Penal Code, however the
chargesheet has been submitted under Section 302 and 201/34
of the Indian Penal Code.

As per the prosecution, the informant's daughter was
killed and cremated by accused persons. Further it is alleged
that the victim was tortured on account of not being able to
procure a child.

The main submissions advanced by petitioner's counsel
are that initially the FIR was lodged under Sections 304(B) and



201 read with Section 34 of the Indian Penal Code but the alleged offence of 304(B) of the Indian Penal Code is not made out in this case as the marriage of the victim took place with this petitioner eight years ago and there was no allegation of any dowry demand by this petitioner from the victim or her family members and the petitioner has been chargsheeted and charges upon him were framed on 28.02.2022, thereafter no witness of the prosecution has been examined till now which shows prosecution's lingering attitude to conclude the trial of the petitioner and three co-accused persons namely, Manjay Paswan, Ajay Paswan and Nidhi Devi have been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 24022 of 2020 and co-accused Dashai Paswan has been granted regular bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 41987 of 2021 and the petitioner has been languishing in jail since 21.01.2021.

Learned APP appearing for the State has vehemently opposed the prayer for bail and submitted that there is serious allegation against the petitioner of murdering his own wife on account of his wife being incapable of giving birth and he is the main accused of the alleged crime and the victim's body has not been recovered.



Considering the seriousness of the occurrence as well as allegation appearing against the petitioner and also the fact that in between the petitioner and his wife(victim) there was not good relation on account of victim being issueless and the informant suspected that the petitioner was involved in the murder of his daughter and as per the FIR all the accused persons including the petitioner were found absconding from their house after the commission of the alleged occurrence and as per the prosecution the victim's body has not been recovered, in my opinion it is not a fit case for bail to the petitioner. Accordingly, petitioner's prayer for bail stands rejected.

The petitioner may renew his prayer for bail after six months, if no significant progress is made in his trial by the trial court.

(Shailendra Singh, J.)

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