

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71518 of 2022**

Arising Out of PS. Case No.-617 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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BABU SAHEB @ BABU SAHEB PASWAN Son of Sagar Paswan Resident
of Village- Khamhar, P.S.- Muffasil, District- Begsara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2023 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 Mufassil
P.S. Case No. 617 of 2020 registered for the offence under
Sections 498(A), 304(B), 504 and 201/34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.04.2022.

The allegation against the petitioner is to commit
murder of daughter of the informant along with other co-
accused persons/family members, due to non-fulfillment of
demand of dowry, as raised for a motorcycle.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner implicated falsely in the present case, for the reason that he is husband of the deceased. It is submitted that allegation of demand of dowry is also very superfluous and omnibus in nature, as to aggravate the allegation. It is submitted that nothing surfaced, during course of investigation, which may suggest that there was demand of dowry on behalf of petitioner soon before the occurrence or deceased subjected to physical assault / cruelty. It is submitted that death of wife of petitioner took place in normal circumstances, where, her last rites was performed with due consent of the informant and furthermore in want of postmortem report, it cannot be said that death of wife of petitioner was caused in unnatural manner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that petitioner is husband of the deceased.

Considering the facts and circumstances as mentioned above, as investigation of this case failed to suggest unnatural death of the wife of petitioner or any demand of dowry soon before the occurrence, as to connect this petitioner, *prima facie*,



with present allegation coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 07.04.2022, let the petitioner, above named, is directed to be released on bail in connection with Mufassil P.S. Case No. 617 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IX, Begusarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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