

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75410 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- DUMARIYA District- Gaya

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Dhanesh Paswan Son Of Chhathu Paswan Resident Of Village- Chhotaki
Pankara, P.S.- Dumariya, District- Gaya(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-10-2023 Heard learned counsel for the petitioner and

learned A.P.P for the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under Section
302 of the Indian Penal Code.

It is a case of commission of murder of the
daughter of the informant by strangulation by all the in-
laws family members including the petitioner.

It is submitted by learned counsel for the
petitioner that petitioner is innocent and he has falsely
been implicated in this case. The petitioner is husband of
the deceased. The marriage of the petitioner with the



deceased was performed eight years prior to the occurrence and they were blessed with two children out of the wedlock. There is no prior complaint or torture or demand of dowry against the petitioner. The victim committed suicide by hanging herself. The informant himself is not the eye witness to the occurrence nor any independent witness came forward claiming himself to be the eye witness to the occurrence. The postmortem report also suggests that death was due to asphyxia due to hanging. The petitioner is languishing in custody since 19.04.2022. A statement has been made in para 3 of the petition that petitioner has clean antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is husband of the deceased and he was fully responsible for commission of murder of the deceased.

It appears that vide order dated 03.07.2023, viscera report in connection with the present case was



called for from the Court below. The report of Senior Superintendent of Police, Gaya dated 08.08.2023 is kept at Flag-A which suggests that though viscera had been preserved but up-till-now, it has not been sent for chemical examination to the Forensic Science Laboratory, Patna which reflects the manner in which how casually serious nature of cases are being taken up by the Courts below.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail **after framing of the charge** and on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XI, Gaya in connection with Dumariya P.S. Case No. 17 of 2022(Sessions Trial No. 315/2022).

(Sunil Kumar Panwar, J)

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