

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1 of 2023**

Arising Out of PS. Case No.-43 Year-2022 Thana- BARSOI District- Katihar

Anshu Anand Son Of Devendra Prasad Ram @ Devendra Pd Ram @
Devendra Ram Resident Of Village - Baigana, P.S. And District - Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Paswan Son of Late Moji Lal Paswan Resident of village - Lal Kothi,
P.S. and District - Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv Mr. Rajendra Prasad Sah, Adv
For the O.P. No. 2	:	Mr. Rama Nand Prasad, Adv
For the State	:	Mr.Sadanand Paswan, Special P.P

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 27-07-2023 *Re:-Interlocutory Application No. 01 of 2023*

The present Interlocutory Application has been
filed for condonation of delay of 80 days in filing the
present appeal.

It is submitted by learned counsel for the
appellant that delay was caused due to some
unavoidable circumstances which were beyond control of
the appellant.

On the ground mentioned in the Interlocutory
Application, the same is allowed.



Accordingly, Interlocutory Application No. 01 of 2023 filed for condoning the delay in filing the present appeal is allowed and the delay is condoned.

Cr. Appeal (SJ) No. 01 of 2023

Heard learned counsel for the appellant and learned Special P.P for the State.

The appellant has challenged the order dated 23.06.2022 passed by learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Katihar in connection with Barsoi P.S. Case No. 43 of 2022 instituted for the offences punishable under Sections 304(B)/34 of the Indian Penal Code, whereas charge-sheet has been submitted under Sections 498A, 304(B), 504/34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

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



It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is husband of the deceased. As per F.I.R, the appellant had performed love marriage with the deceased and the deceased was living separately in a rented house with the appellant. Hence, the allegation of torture by in-laws family members for dowry as alleged in the F.I.R appears to be afterthoughts and was planted just to implicate the appellant and other family members in false case. The deceased committed suicide and the appellant had informed about the incidence to the father of the deceased and the police arrived after receiving information from the father-in-law of the appellant and arrested the appellant from the PO/house. During investigation also, it came to light that the deceased committed suicide by hanging herself. The postmortem report of the deceased suggests that death is caused by asphyxia as a result of hanging. The appellant is in



custody since 24.06.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant and submitted that appellant is husband of the deceased and the victim committed suicide within seven years of marriage.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 23.06.2022 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Katihar in connection with Barsoi P.S. Case No. 43 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-



I-cum-Special Judge, SC/ST Act, Katihar in connection
with Barsoi P.S. Case No. 43 of 2022(G.R. No.
951/2022).

(Sunil Kumar Panwar, J)

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