

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.261 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- SHERGHATI District- Gaya

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RUPESH PASWAN S/O RAJ KUMAR PASWAN @ KUMAR PASWAN
Resident of village- Nima, P.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 11.04.2022, in connection with Sherghati P.S. Case No. 287 of 2022, F.I.R. dated 10.04.2022 registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

Allegation against the petitioner is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis that the petitioner is the husband of the deceased. He further submits



that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R and there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

Learned APP for the State, on the other hand, on the basis of material available on record and the case diary as well as postmortem report, vehemently opposed the prayer for bail and submits that the medical report suggests that death of the deceased due to asphyxia caused by strangulation and apart from that a number of injuries were found on the person of the deceased.

Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Sherghati P.S. Case No. 287 of 2022 pending in the Court of Additional Chief Judicial Magistrate, Sherghati, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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