

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10967 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- CHAUTHAM District- Khagaria

Pankaj Kumar @ Pankaj Paswan son of Sikendra Paswan Village- Dewka Ps-
Chautham Dist- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party : Mr.Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 20-09-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, informant's daughter Nibha Devi was married to the petitioner 15 years back and from the wedlock, they had four girl children. With the passage of time, petitioner solemnized love marriage with his sister-in-law (sali). Thereafter, accused persons started committing torture and harassment to the victim. Informant alleged that on 21.02.2023 he got message by victim's father-in-law that his daughter has died. When the informant reached matrimonial house of his daughter, he knew that petitioner and her family members killed his daughter by hanging.

4. Learned counsel appearing for the petitioner



submits that the petitioner is husband of the deceased. As a matter of fact, victim committed suicide due to misunderstanding. There is no eye witness of the occurrence. Petitioner has falsely been implicated due to suspicion and save and except suspicion, there is no other direct or indirect evidence against the petitioner to show his complicity in the occurrence. Informant also took part in the cremation of victim, but due to ulterior motive, afterthought, he lodged the instant case implicating the petitioner and other family members. There was no external injury on the person of the deceased as per the post mortem report. who died of some ailment. Petitioner informed parents of deceased about her death. Thereafter, parents of deceased had also come and participated in the cremation. F.I.R. has been lodged after inordinate delay of one month without any explanation which renders the entire prosecution case doubtful.

5. Learned counsel for the State opposes the prayer for bail. He submits that petitioner is the husband of the deceased and there is direct and specific allegation that he and his family members killed the deceased by hanging. Post mortem report reveals that the death was caused due to asphyxia.



6. Considering the fact that the petitioner is husband of the deceased, who died in unnatural condition in her in-laws house, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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