

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.701 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

RAJU TIWARI S/o Sri Birendra Tiwari R/o Village- Semaria Tiwari, Tola,
P.S.- Nautan, Distt- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kishmati Devi wife of Late Bhairathi R/o villl- Bhairavpur House no 370
Mahadev Jharkhandi .,P.S.cantt Dist- Gorakhpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 11-01-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

2. The instant appeal has been filed by the appellant
against the order dated 2.1.2023 passed by learned 1st Additional
Sessions Judge-Cum-Special Judge, Siwan whereby the prayer
for bail of the appellant in connection with Siwan Muffasil
(Dhanauti OP) P.S. Case no. 403 of 2022 under Sections
498(A), 304B, 201/34 of the Indian Penal Code and sections
3(2)(va) of SC/ST Act was rejected.

3. As per allegation in the FIR, the informant alleged
that her daughter was married with the appellant four years ago



and thereafter, the appellant along with his family members subjected her to cruelty due to non-fulfillment of dowry demand. Ultimately, on 16.7.2022 the informant came to that her daughter was committed murder by the appellant along with his family members. Thereafter, the present FIR has been lodged.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant is husband of the deceased and no prior complaint regarding torture or harassment has been made against him. No one is eye witness of the alleged occurrence. No offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent as stated in para-3 of the bail petition. The appellant is languishing in judicial custody since 18.7.2022.

5. Learned Special P.P. appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the death of the informant's daughter was caused within seven year of her marriage. The appellant is husband of the deceased upon whom the full responsibility to keep his wife well. The appellant confessed his guilt vide para 13 of the case diary in which he



stated that he along with other co-accused persons killed the deceased by putting a rope around her neck. The postmortem report of the deceased also corroborates the prosecution case and doctor opined cause of death due to Asphyxia caused by ligature mark around the neck of the deceased. It is also submitted that witnesses of the case have supported the prosecution.

6. Having heard learned counsel for the appellant and considering the aforesaid facts and circumstance of the case, I do not find it appropriate to grant bail to the appellant and as such, the appeal stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

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