

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18293 of 2024

Arising Out of PS. Case No.-286 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. Shivchandra Paswan @ Shiv Chandra Paswan S/o Sital Paswan R/o Village - Jivdhara Malahi Tola, Police Station - Pipra Kothi, District - East Champaran at Motihari
2. Sudama Devi W/o Shivchandra Paswan R/o Village - Jivdhara Malahi Tola, Police Station - Pipra Kothi, District - East Champaran at Motihari
3. Lallan Paswan S/o Shivchandra Paswan R/o Village - Jivdhara Malahi Tola, Police Station - Pipra Kothi, District - East Champaran at Motihari
4. Sunita Kumari D/o Shivchandra Paswan R/o Village - Jivdhara Malahi Tola, Police Station - Pipra Kothi, District - East Champaran at Motihari
5. Ramesh Paswan S/o Shivchandra Paswan R/o Village - Jivdhara Malahi Tola, Police Station - Pipra Kothi, District - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari
		Mr. Karandeep Kumar
For the Opposite Party/s	:	Mr. Ajay Kumar Jha
For the Informant	:	Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the informant.

2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the present anticipatory bail application with respect to petitioner no. 5.

3. Permission is accorded.

4. Accordingly, the present anticipatory bail



application is dismissed as withdrawn with respect to petitioner no. 5.

5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

6. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that his grand daughter was married to Pradip Paswan on 12.06.2022 and at the time of marriage an amount of Rs. 10 Lakh was spent, it is further alleged that thereafter the husband of the deceased used to assault her for non fulfillment of the demand of dowry and even threatened that the entire family members will kill her, it is next alleged that on 08.12.2023 at 05:00 PM, the informant came to know that his grand daughter has been killed accordingly he along with his son came to the place of occurrence where he saw the dead body of his grand daughter lying while the accused persons including the petitioners had fled from the house. It is further alleged that the accused persons for non-fulfillment of the dowry demand have killed his grand



daughter.

7. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the thrust of the allegation of demand and torture is against the husband of the deceased. It is further submitted that even the FIR does not disclose that what was being demanded by way of dowry from the informant and his family members which casts an aspersion on the case of the prosecution. It is next submitted that had the accused persons including the petitioners would have been demanding dowry, in that event the informant at least would have disclosed that what was being demanded in dowry. It is further submitted that it is not in dispute that an innocent life has gone but then the conduct of the petitioners should also be taken into consideration while considering the application for anticipatory bail. It is further submitted that had the petitioners been involved in the occurrence of killing the deceased, in that event efforts would have been made to dispose of the dead body, but then from perusal of the allegation as alleged in the F.I.R., it would manifest that that the informant alleges that on coming to know that his grand daughter has been killed, he rushed to the



place of occurrence where the dead body was lying, it is thus submitted that whenever any occurrence in the nature as alleged takes place, the entire family members of the husband of the deceased are implicated in a mechanical manner with general, omnibus and ornamental allegation. It is also submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is next submitted that the petitioners will not abscond rather will co-operate in the investigation.

8. Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submissions of the learned counsel for the petitioners that the FIR does not disclose that what was being demanded by the accused persons by way of dowry and no efforts were made by the accused persons to conceal or dispose of the dead body.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pipra Kothi P.S. Case No. 286 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. Accordingly, the present anticipatory bail stands allowed.

(Satyavrat Verma, J)

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