

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34781 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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Vishal Paswan, Son of Amlesh Paswan @ Gamlesh Paswan, Resident of
Village- Basgardham, Ward No. -09, P.S.- Udakishunganj, Dist.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : M/S. Rajeev Kumar Singh and Alok Kumar Singh,
Advocates

For the Opposite Party : Mr. Rajiv Nayan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 30-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Udakishunganj P.S. Case No. 352 of 2023 dated 15.11.2023
registered for the offences punishable under Section 304B/34 of
the I.P.C. and Section 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and the co-
accused persons are alleged to have committed murder of the
informant's daughter due to non-fulfilment of *Diwan*
Palang/Bed, Apache Motorcycle and Rs. 51,000/- as dowry.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that the petitioner neither tortured mentally and physically the deceased nor demanded any dowry from the informant's daughter. The petitioner is the husband of the deceased. The charge sheet has already been submitted in the present case against the petitioner. The petitioner is a *Toto Driver* and he was not present at the time of occurrence in the house and he was out of the house for driving the said *Toto vehicle* to earn his livelihood. It is further submitted that except suspicion, there is no other material available against the petitioner to suggest his implication in the present case. As per the medical report, it is a case of strangulation and postmortem report does not support the case of prosecution. It is further submitted that the real fact is that the deceased was a short tempered lady and two other daughters of the informant have also committed suicide earlier. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 04.01.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submitted that the petitioner is the husband of the deceased and several witnesses who have been examined by the Investigation Officer have supported the prosecution case that the petitioner had participated in the



alleged commission of murder of the deceased.

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned A.P.P. for the State, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Udakishunganj P.S. Case No. 352 of 2023, pending in the court of learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura.

7. The application stands rejected.

8. The trial court is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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