

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68218 of 2024

Arising Out of PS. Case No.-604 Year-2024 Thana- MAHUA District- Vaishali

1. Upendra Paswan Son of Late Mahendra Paswan Resident of Belkunda (Narayanpur Buzurg), P.S. - Mahua, Distt. - Vaishali
2. Daulati Devi @ Daulat Devi Wife of Sanjay Paswan @ Ramesh Paswan Resident of Belkunda (Narayanpur Buzurg), P.S. - Mahua, Distt. - Vaishali
3. Sanjay Paswan @ Ramesh Paswan Son of Upendra Paswan Resident of Belkunda (Narayanpur Buzurg), P.S. - Mahua, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-09-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 85, 80 and 3(5) of Bhartiya Nyaya Sanhita.
3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that his sister was married to Vikash in the year 2019, further on 13.07.2024, at 10:00 PM, his sister saw her husband in an objectionable condition with his *Bhabhi*, Daulati Devi



(petitioner no. 2), on which all the accused persons assaulted his sister and strangled her to death. It is further alleged that after marriage, the accused persons were torturing the deceased for non-fulfillment of the demand of a motorcycle and Rs. 1 Lakh. It is also alleged that the informant had got the ceiling of the house of Vikash repaired.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant being father-in-law, sister-in-law and brother-in-law of the deceased. It is next submitted that petitioner no. 3 is the husband of petitioner no. 2. It is further submitted that it absolutely does not stand to reason that if the deceased had seen her husband in an objectionable condition with petitioner no. 2, the petitioner no. 3 would have assaulted the deceased for seeing the said inappropriate act of Vikash with his wife. It is also submitted that informant is not an eye witness to the occurrence and the demand of dowry is general and omnibus in nature. It is next submitted that husband of the deceased, Vikash, is in custody since 28.08.2024. It is further submitted that though it is alleged in the FIR that the deceased was strangled to death, but then the same gets belied by the postmortem report which records asphyxia due to hanging. It is



thus submitted that deceased committed suicide. It is next submitted that whenever any dispute arises in between the husband and the wife and the occurrence of the nature as alleged takes place, the entire family members are implicated in order to coerce the husband into submission.

5. Learned A.P.P. for the State along with learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that as to why petitioner no. 3 would have assaulted the deceased when his wife was in extra marital relation with the husband of the deceased and that informant is not an eye witness to the occurrence and also that postmortem report belies the allegation of strangulation.

6. 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 Mahua



P.S. Case No. 604 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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