

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73758 of 2023

Arising Out of PS. Case No.-395 Year-2022 Thana- WAJIRGANJ District- Gaya

Baikunth Paswan @ Baikunth Kumar @ Paswan S/O- Rambali Paswan R/O-
Village- Sarsa, P.S.- Wazirgan, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

10 02-08-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Wazirganj P.S. Case No.
395 of 2022, instituted for the offences punishable under
Sections 304(B)/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, daughter of
the informant was married to the petitioner and on non-
fulfilment of demand of dowry the daughter of the informant
was done to death.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel for the petitioner also submitted
that there is inordinate delay of two days in lodging the F.I.R.



The petitioner is the husband of the deceased. Charge has already been framed in this case on 06.02.2024. The informant has turned hostile. The petitioner's counsel next submitted that the petitioner is in custody since 05.04.2023 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State also submitted that the petitioner and his relatives made a demand of gold chain from the deceased and threatened to kill her on failure of fulfillment of the demand. It is mentioned in the FSL report that poison was found in the body of the deceased and it is clear that the petitioner killed the daughter of the informant by poisoning her. Hence, the petitioner does not deserve the privilege of bail.

6. A report was called for with regard to present stage of trial. It is submitted that Charge has been framed on 06.02.2024 and till now four prosecution witnesses have already been examined in this case and the prosecution co-operates, then the trial may be concluded within three months.

7. Considering the nature of accusation against the petitioner and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.



8. The prayer is rejected. The Trial Court is directed to expedite the trial expeditiously. However, if the trial is not concluded within a period of nine months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

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