

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20438 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- Banshi District- Arwal

Shiv Shankar Kumar @ Bholu Paswan, Son of Upendra Paswan, Resident of
Village - Sonbhadra, P.S.- Banshi, District - Arwal, Bihar. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Anand, Advocate Mr. Umesh Kumar, Advocate Mr. Roy Birendra, Advocate Mr. Prashant Kumar, Advocate Mr. Shubhankar Raj, Advocate Mr. Sristy Patel, Advocate
For the Opposite Party/s :		Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 03-12-2025 Heard learned counsel appearing on
behalf of the petitioner and learned APP appearing
on behalf of the State.

2. The petitioner seeks bail in connection
with Banshi P.S. Case No. 50 of 2024 registered for
the offence under Sections 304-B, 201, 34 of the
Indian Penal Code.

3. The accused/petitioner is named in the
F.I.R. and is in custody since 20.11.2024.

4. As per FIR, petitioner being husband
caused death of daughter of the informant
alongwith other family members due to non-
fulfillment of demand of dowry, as raised for one



bullet motorcycle.

5. Learned counsel appearing on behalf of the petitioner submitted that the deceased wife of petitioner was short tempered lady and when on one occasion, an altercation took place between the mother of petitioner and deceased, she committed suicide. It is submitted that quarrel usually took place out of adoption issues of son of sister of the petitioner as for several years after the marriage petitioner and deceased had no issue out of their wedlock but after taking adoption, deceased gave birth to a female child. It is pointed out that subsequent to the occurrence, the allegation of demand of bullet was raised. It is further argued that upon *postmortem* examination, no external injury appears noticed upon the dead body of deceased, suggesting *prima facie* that she was not assaulted physically soon before the occurrence and it was case of suicide. It is submitted that suicide takes place out of family quarrel not due to demand of dowry, which was also supported by independent witnesses during



course of investigation and in support of this submission, learned counsel drawn attention of this Court towards para no. 51 of the case diary, where the evidence of neighbour, namely, one Devanti Devi appears reported.

6. Arguing further, it is submitted that the petitioner remains in custody since 20.11.2024 and till date this matter is at the stage of appearance and, therefore, the conclusion of trial appears a remote aspects and, as such, petitioner in want of trial cannot be kept behind bar for indefinite period particularly in view of aforesaid factual submissions. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

7. Learned APP while opposing the prayer of bail submitted that allegation is specifically available against this petitioner who being husband caused death of daughter of the



informant due to non-fulfillment of demand of dowry, as raised for one bullet motorcycle.

8. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* investigation suggests that occurrence took place out of domestic quarrel as discussed aforesaid, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody for more than one year almost with no progress in trial, being a man of clean antecedent, accordingly, petitioner above named, is directed to be released on bail in connection with Bansi P.S. Case No. 50 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Arwal/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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