

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81874 of 2024

Arising Out of PS. Case No.-271 Year-2024 Thana- NAUTAN District- West Champaran

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1. MOST KEDALI DEVI WIFE OF LATE KAILASH PASWAN VILLAGE- DOBARIYA , BAIKUNTHAWA , WARD NO. 2 , PS- NAUTAN ,DISTRICT- WEST CHAMPARAN.
 2. SUGANTI DEVI WIFE OF DINESH PASWAN VILLAGE- DOBARIYA , BAIKUNTHAWA , WARD NO. 2 , PS- NAUTAN ,DISTRICT- WEST CHAMPARAN.
 3. DINESH PASWAN SON OF LATE KAILASH PASWAN VILLAGE- DOBARIYA , BAIKUNTHAWA , WARD NO. 2 , PS- NAUTAN ,DISTRICT- WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 28-04-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The present application is for grant of anticipatory bail, in connection with Nautna P.S. Case No.271 of 2024 for offences under Sections 103(1), 238/3(5) of the B.N.S.

3. The prosecution case, as disclosed in the First Information Report is that the marriage of the daughter of the informant had been solemnized three years ago with the co-accused Sunil Paswan and soon after the marriage, the victim was subjected to demand of dowry and on account of non-fulfillment of the same, she was done to death by pressing her neck by the co-accused Sunil Paswan and the petitioner. In the



last part of the F.I.R., it has been stated that Sunil Paswan's mother and other persons have tried to dispose of the dead body in their bid to conceal the evidence.

4. Learned counsel for the petitioner submits that the present petitioner, who is petitioner No. 3, is the brother-in-law of the deceased and there is a general and omnibus allegation against all the accused persons in the case diary. However, it is a fact that in the F.I.R., the informant has tried to put a specific allegation with regard to pressing of neck upon co-accused Sunil Paswan and this petitioner, but as a matter of fact, there is no eyewitness to the said occurrence and hence, no specific role can be attributed to any person. Learned counsel further submits that the petitioner is staying separately in residence and mess, which is stated in paragraph 9 of his petition and he also submits that as a matter of fact the deceased was not well and her parents had been informed about her health and she died on account of diarrhea. It has also been mentioned in paragraph 13 of the petition that the husband of the deceased, namely Sunil Paswan, is under judicial custody since 17-08-2024.

5. Learned APP has opposed the prayer for anticipatory bail application on the ground that there is allegation even against the present petitioner with regard to



causing death of the deceased.

6. Taking into consideration the fact that husband, who is primarily responsible for the welfare of the wife, is already in custody and petitioner Nos. 1 and 2 against whom also general allegation have been imputed along with the petitioner, during the course of investigation, have been granted privilege of anticipatory bail, I am inclined to extentd the privilege of anticipatory bail to the petitioner. Let the petitioner No.3, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Nautna P.S. Case No.271 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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