

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17901 of 2015

Arising Out of PS.Case No. -121 Year- 2014 Thana -KURSAKANTA District- ARRARIA

Ehsan @ Md. Ehsan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh-Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 25-06-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Also gone through the report submitted by the
learned lower Court, which speaks regarding framing of charge
against the petitioner and others.

Deceased was done to death by means of
administering poison and before that she was brutally assaulted on
account of which became senseless which facilitated the accused
to administer poison. It has also been disclosed in the written
report that on one pretext or other deceased was subjected to
assault.

It has been submitted on behalf of petitioner that
instant case does not come within the purview of Section 304B of
the I.P.C., because of the fact that there happens to be complete



absence of the allegation with regard to demand of dowry, deceased was subjected to torture and cruelty. Furthermore, it has also been submitted that being a case under Section 302 I.P.C., in worst case, accepting the prosecution version for a moment, the obligation put forward in terms of Section 113B of the Evidence Act will not survive.

That being so, the individual status of the petitioner has to be seen whereunder there happens to be complete lacking of the evidence that petitioner had independently administered poison. It has also been submitted that in the written report, there happens to be specific disclosure that deceased was brutally assaulted on account of which, she became senseless and then, she was administered poison. Further, during course of post mortem, no external injury has been found. Therefore, the manner of occurrence as suggested by the prosecution did not find support. It has also been submitted that the real fact is that as the petitioner was staying at Delhi leaving the deceased at his house, deceased became annoyed and committed suicide. In revengeful manner, this case has been registered wherein petitioner happens to be under custody since 10.10.2014.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that there happens to

be consistent version of the prosecution that deceased was being dragged in semi-conscious stage from her house and was administered poison. So far assault is concerned, there happens to be no disclosure at the end of the prosecution that it was by means of hard and blunt substance which could have an impression over the body.

Gone through the case diary and from perusal of the same, apart from status of the petitioner to be husband of the deceased, who died of poison at her *Sasural*, cast an obligation and the theme of suicide or homicide, in the background of sufficient material persisting against the petitioner, is found to be tested during trial.

Thus, prayer of petitioner for bail is rejected.

(Aditya Kumar Trivedi, J)

Vikash/-

U		T	
---	--	---	--