

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50649 of 2015

Arising Out of PS.Case No. -191 Year- 2015 Thana -NARPATGANJ District- ARRARIA

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Ganesh Sah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 30-01-2016

Heard learned counsel, Mr. Vishwajit, appearing for the petitioner, learned counsel for the informant and also learned A.P.P. for the State.

The informant lodged an F.I.R. alleging that in the year 2002, the informant's daughter was married with this petitioner. The daughter of the informant was being subjected to cruelty in connection of demand of dowry. The informant subsequently, learnt that the daughter of the informant was killed by the accused persons by administering poison on her and they brought to dispose of the dead body. On information, the informant went there and while they were going to dispose of the dead body, the same was seized by the police.

Learned counsel for the petitioner submitted that there is omnibus allegation and that there is allegation of administration of poison but the doctor did not find any sign of poison in the person of the deceased while performing the post-

mortem. According to the learned counsel, in fact, the deceased was suffering from high fever and while she was being taken to local hospital for treatment, she died.

On the other hand, the learned A.P.P. and the learned counsel appearing on behalf of the informant submitted that prior to the date of occurrence, there was a Panchayati as the deceased had lodged F.I.R. in the Mahila police station alleging that she was being subjected to cruelty by her in-laws. In the Panchayati, the petitioner and other co-accused persons assured that they will not assault her and then they took her to their house and thereafter she has been killed.

It is admitted fact that marriage was held within seven years of the occurrence. According to the F.I.R., the deceased was subjected to cruelty in connection with demand of dowry. In the post-mortem, the doctor has preserved the *Viscera* for chemical examination by F.S.L.

In view of the fact that the deceased died within 7 years of the marriage and there is allegation of cruelty against her and that the petitioner is husband, I am not inclined to grant bail to this petitioner. Thus, this bail application is dismissed.

(Mungeshwar Sahoo, J)

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