

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3991 of 2016

Arising Out of PS.Case No. -94 Year- 2015 Thana -OBRA District- AURANGABAD

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1. Dilip Kumar S/o Awadhesh Prasad R/o vill. - Deokali, P.S. Obra,
District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Smt. Madhuri Lata(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 06-04-2016

Heard the learned counsel for the petitioner, the
learned A.P.P for the State as also the learned counsel for the
Informant.

The petitioner seeks bail in a case for the offence
punishable under section 304 (B)/34 of the I.P.C

Neema Kumari, the daughter of the informant, was
married to the petitioner on 21.04.2014 and allegedly due to non
fulfillment of demand of dowry by way of Rs. 5,00,000/- she was
being tortured by the petitioner and other in-laws and ultimately
she was administered poison and was brought for treatment but
she died.

Submission is of false implication and that the
petitioner was having cordial relation with his wife, nothing was



ever demanded, the wife of the petitioner was short tempered lady and due to some trivial dispute she consumed tablet of celphos and during investigation this fact has come in the statement of witness Subdar Mahto recorded in paragraph-38 of the case diary and further in the statement of witness Bhupendra Mahto vide paragraph 29 of the case diary, in the F.S.L. report also Aluminium Phosphide was detected in the viscera which is commercially known as CELPHOS and as such the petitioner deserves sympathetic consideration as his conduct to bring his wife for treatment leads towards the conclusion of innocence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that there was demand of Rs. 5,00,000/- and just within 1 ½ year of marriage unnatural death has been caused and the petitioner is the husband.

In the facts and circumstances as stated above, considering that the petitioner has brought his wife for treatment at once and the two witnesses, as stated above, have not supported the prosecution version, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to 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 S.D.J.M. Daudnagar, District- Aurangabad in Obra P.S. Case No. 94 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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