

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15950 of 2016

Arising Out of PS.Case No. -113 Year- 2014 Thana -DORIGANJ District- SARAN

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Randhir Singh @ Randhir Kumar Singh Son of Late Raghubansh Singh
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 15-07-2016 Heard learned counsels for the petitioner and the

State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 120B, 304B/34 of the Indian Penal Code.

Prosecution case is of killing the daughter of the informant after about four years of marriage by administering poison. It is alleged by the informant in the FIR that on the alleged date of occurrence the victim called several times to the informant and her and conveyed her apprehension of being killed. The motive for the occurrence is alleged to be non-fulfillment of dowry demand.

It is submitted by learned senior counsel for the

petitioner the petitioner is Sergeant in Air Force and was not present at the place of occurrence on the alleged date of occurrence and to that effect a certificate has been issued by the competent authority, which has been brought on record by way of annexure-13 to the supplementary affidavit.

Learned counsel for the informant, however, is not disputing this fact that the petitioner was not present on the place of occurrence on the alleged date of occurrence.

It is further submitted by learned counsel for the petitioner that the victim was suffering from arthritis and anemia and was given adequate medical treatment.

The learned CJM, Chapra, vide order dated 23.12.2014, directed for transmission of Viscera to the office of the Director, FSL, Patna. The Director, FSL, Patna, vide letter no.253/2015 dated 05.11.2015 transmitted the viscera report to learned CJM, Chapra, which stipulates that viscera was transmitted on 03.02.2015 which was received in the office of FSL on 05.02.2015 which suggests that viscera was not transmitted in respect of the order of learned Chief Judicial Magistrate. Though, the viscera report suggests the presence of Aluminum Phosphate commercially known as Sulphas but delayed transmission of viscera vitiates the report.



It is submitted by learned counsel for the informant that the informant's daughter was tortured. The investigating agency during investigation has also verified that the victim called her parent's house several times conveying about her apprehension of being killed. There is accusation of demand of dowry by the petitioner and other in-laws. It is further submitted while filing of the bail applications on behalf of the family members of the petitioner took plea that the victim was under depression since she failed to conceive whereas the present application has been filed taking plea that the informant was suffering from arthritis and was being treated for the same by one Dr. Manish Kumar. But paragraph 73 of the case diary reflects that Dr. Manish Kumar, who examined the victim, has suggested that arthritis could not be the cause of death.

Considering the rival submission of the parties and the materials on records, it does not appear that the victim was administered poison as there was no resisting injury found and it has also not been disputed by the counsel for the informant that the petitioner was not present on the alleged date at the place of death of victim or before death when the victim made several calls to her family members. But keeping in view of the fact that the death took place within seven years of

marriage by consuming poison, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Doriganj P.S. Case No.113/2014, pending before the learned ACJM-VII, Saran at Chapra.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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