

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55781 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -CHAND District- BHABHUA (KAIMUR)

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1. Dilip Prajapati, son of Ramayan Prajapati, Village- Chand, P.S.- Chand,
District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Adv.
For the Informant : Mr. Tribhuwan Narayan, Adv.
For the State : Mr. Sri Madhura Nand Jha, APP (102)

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

5 12-04-2017 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

The petitioner seeks bail in connection with Chand P.S.
Case No. 61/2016, registered for the offence punishable under
Section 304(B)/34 of the Indian Penal Code.

Sushila Devi, the daughter of the informant, was married
to the petitioner five years ago and the petitioner and other in-laws
used to torture her due to non-fulfillment of demand of dowry for
which, there was Panchayati also. An agreement was executed on
the stamp paper on 18.05.2016, wherein, the petitioner had given
undertaking not to torture her and brought her back, but on
02.06.2016, the petitioner and others killed her. It is said that they



had administered poison to her due to non-fulfillment of demand of gold chain. Though, five days ago a buffalo was given by the informant to the accused persons in dowry.

Submission is of false implication and that the wife of the petitioner died natural death and in the post-mortem examination, the cause of death has not been ascertained and as per the statement of the witnesses, the death appears to be natural one. The petitioner is suffering in custody since 15.09.2016 and as such he deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that in FSL report Alluminium Phosphoid was detected which is highly poisonous substance and as such the prosecution version is corroborated that the deceased was killed by administering poison.

In the facts and circumstances stated above, considering the allegation made against the petitioner, I am not inclined to enlarge the petitioner, above named, on bail. Accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J.)

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