

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30597 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -ARIYARI District- SEKHPURA

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Santosh Chouhan Son of Nawal Kishore Chouhan resident of Village-
Masaurha (Dhanu Tola), P.S.- Ariyari (Kasar), District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Smt. Nirmla Kumari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

11 08-01-2018 Heard the learned counsels for the petitioner, the
informant and the State.

The petitioner seeks bail in connection with Ariyari
(Kasar) P.S. Case No. 14 of 2017 dated 08.02.2017 instituted for
the offence under Sections 304B/34 of the Indian Penal Code.

The petitioner is the husband of the deceased.

The father of the deceased has lodged a case alleging
that he had married his daughter to the petitioner about four years
ago and his daughter was always being pressurized to bring Rs. 1
lakh as dowry. On 06.02.2017 at about 6:00 P.M. he was informed
that his daughter is ill. On such information he went to the
matrimonial home of the deceased and finding his daughter to be
seriously ill, brought her to Bihar Sharif Hospital where during



course of treatment she died. Later, in the FIR, the informant has stated that he suspects that the deceased may have been poisoned to death because of non-fulfillment of additional dowry.

Learned counsel for the petitioner has drawn the attention of this Court to the statement of the witnesses recorded in paragraphs 25, 26, 42, 43 and 44 of the case diary. Some of the witnesses are not on cordial terms with the petitioner but still they have stated that on the day of the occurrence, they saw the deceased squirming on the ground. Initially, the villagers and the family members of the deceased were of the view that she has been visited with evil spirits. Local persons were called for the needful but when she did not respond to the aforesaid treatment, she was taken to hospital where she died. The post-mortem report does not disclose in a definite manner as to what was the cause of death but the opinion of the doctor is that there could be an ingestion of toxic material. The viscera has been preserved and sent for chemical examination, the report of which has not yet been received.

However, the learned counsel for the petitioner has further submitted that even if the FSL report is received, the attendant circumstances indicate towards the deceased having consumed poison herself. Had it not been the case, the deceased



would have communicated this to the others while she was writhing in pain on the floor of her house. The consistent statement of the witnesses have been that the deceased always used to keep herself hungry but the in-laws made all attempts to keep her well and treat her in times of distress. The parents of the petitioner (parents-in-law of the deceased) who too were made accused by the informant were not sent up for trial but cognizance has been taken against them also.

The petitioner is in custody since 08.02.2017.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sheikhpura in connection with Ariyari P.S. Case No. 14 of 2017.

(Ashutosh Kumar, J)

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