

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52598 of 2018

Arising Out of PS. Case No.-108 Year-2017 Thana- NATWAR District- Rohtas

Sanjeet Kumar Upadhyay @ Sanjeet Upadhyay, son of Rishikesh Upadhyay,
resident of village-Chausa, Police Station-Buxar (Muffasil), District-Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nil Kamal, Advocate.

For the Opposite Party/s : Mr. Madhuranand Jha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 05-02-2019 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Natwar Police Station Case No.108 of 2017 registered under Sections
498-A, 304(B), 302 and 120(B) of the Indian Penal Code.

The accusation is that the marriage of the deceased Sinjan
Devi, the daughter of the informant, was performed in the year 2017
with the petitioner and Rs.5,00,000/- was also given in the marriage
as dowry. The petitioner used to visit to the house of the informant.
After passing over sometime, the petitioner and his family members
started to make demand of Rs.5,00,000/- in dowry from the deceased,
the daughter of the informant, and due to non-fulfillment of the same,
the daughter of the informant was being tortured mentally and
assaulted. On 05.12.2017, the petitioner came at the house of the



informant and stayed with the daughter of the informant in a room. In the next morning, the room, in which the daughter of the informant had slept, was found open. When the wife of the informant went there, then she found that her daughter is lying on a bed and the petitioner was not present in the room. Thereafter, the daughter of the informant was taken to Dinara Primary Health Centre, where the doctor declared her brought dead. There was no mark of injury on the dead body of the deceased, the daughter of the informant. The informant claimed that the petitioner has committed the murder of his daughter by pressing her mouth and nose.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that while the marriage of the daughter of the informant was performed with the petitioner but Gauna ceremony was not performed. In fact, the daughter of the informant died in the night of 05.12.2017 at her Maika but, thereafter, with an ulterior motive, the informant has lodged this false case. Further submission is that in the post-mortem examination of the deceased, no external injury was found and the doctor opined that the cause of the death of the deceased could be ascertained after viscera report.

From perusal of the case diary, it appears that in the post-mortem examination of the deceased, the daughter of the informant, as detailed in paragraph-26, no external injury was found and according to the doctor, who held the post-mortem examination over the dead body of the deceased, the cause of death of the deceased



could be ascertained after viscera report and the viscera was kept preserved for chemical examination. The viscera report, which is received, shows that no metallic, alkaloidal, glycosidal, pesticidal or volatile poison could be detected in the contents of all the 7 plastic jars.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Lal Bihari Paswan, Judicial Magistrate, First Class, Bikramganj, District-Rohtas, in connection with Natwar Police Station Case No.108 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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