

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41159 of 2019

Arising Out of PS. Case No.-84 Year-2018 Thana- PALANWA District- East Champaran

Anil Kushwaha Son of Late Bhagwati Mahto Resident of Village- Mudwa,
P.S.- Palanwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 27.04.2019 has filed the instant application for grant of bail in connection with Palanwa P.S. Case No. 84 of 2018 (G.R. No. 936 of 2018) registered for the offence punishable under sections 304B, 201 and 34 of the Indian Penal Code.

As per the allegation in the FIR, soon after the marriage of the informant's daughter, her torture started. She used to be pressurized to get dowry from her parent's place. It is alleged that on getting information the informant along with others reached his daughter's place where no one was present. On enquiry it transpired that his daughter had died and her in-laws had taken the body to the cremation ground. Information



was given to the police on which they seized the body of the informant's daughter and sent the same for postmortem.

It was submitted by learned counsel for the petitioner that the petitioner is the husband of the deceased. From perusal of the last page of the FIR it would transpire that so far as the allegation of poisoning the informant's daughter to death is concerned, the same has clearly been inserted subsequently. In fact the informant's daughter was suffering from epilepsy and in course of attack she fell down from the steps as a result of which she died. The witnesses whose statements have recorded are relatives of the informant and the petitioner is in custody since 27.04.2019.

The application for bail was opposed by learned APP for the State submitting that the petitioner is the husband of the deceased. The death of the victim took place within a year of marriage to this petitioner and the postmortem report depicts that the victim sustained head injury caused by hard and blunt object.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the postmortem report shows that the injury caused on the head of the victim was by a hard and blunt



object, the Court is not inclined to grant bail to the petitioner
and as such his application for bail is rejected.

(Partha Sarthy, J)

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