

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73773 of 2018**

Arising Out of PS. Case No.-129 Year-2017 Thana- SIRDALA District- Nawada

=====

Bal Mukund Das @ Bal Mund Das, Son of Sri Yadunandan Das, Resident of  
Village- Rabio, P.O. and P.S. Sirdala, District Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Niraj Kumar

For the Opposite Party/s : Mr.Sri Ashok Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

5      27-03-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

Visera report as called for has been received, in sealed  
cover, which was unsealed and perused.

The petitioner seeks bail in connection with Sirdala  
P.S. Case No. 129 of 2017 registered under Sections 328, 302/34  
of the Indian Penal Code.

Petitioner, who happens to be the husband of the  
deceased, is said to have demanded dowry and subjected the  
victim to torture for not fulfilling of the said demand and finally  
eliminated the deceased by administering poison in association  
of other accused persons.

It is submitted by the learned counsel for the



petitioner that marriage was performed 13 years back and three children were born out of the wedlock of the petitioner and the deceased. Earlier no case was lodged against the petitioner regarding demand of dowry etc. within the aforesaid long span of time. As a matter of fact, the deceased was suffering from some mental ailment and was being treated by the petitioner but due to depression she consumed some poisonous substance which proved fatal. Petitioner has no concern with the aforesaid offence. Petitioner has been languishing in custody since 31.05.2018.

On the other hand learned APP for the State and learned counsel for the informant vehemently opposed the bail prayer of the petitioner and submitted that petitioner happens to be husband of the deceased. He along with other accused persons has eliminated the deceased over the dowry demand. Deceased used to inform the informant regarding the torture meted out to her by accused persons. Deceased has died in her marital house. Though the petitioner has filed some document regarding treatment of the deceased but that does not indicate that deceased was suffering from schizophrenia rather from depression due to continuous torture meted to her at the hand of the petitioner and his family members. The FSL report indicates



finding of endosulfan, a chloro organic pesticide which is commercially used in agriculture for killing pest and is poisonous. Hence, the petitioner does not deserve bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, bail petition of the petitioner is rejected.

**(Prakash Chandra Jaiswal, J)**

sushma/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

