

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65983 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- PHULPARAS District- Madhubani

Bhupesh Kumar Son of Jitendra Kumar Singh Resident of Village -
Hulaspatti, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Section 304B/34 of the Indian Penal Code.

Allegation against the petitioner is of committing torture
and caused death of the victim due to non-fulfillment of demand
of dowry.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner is in custody since 10-06-2019. Charge sheet has
already been submitted. The petitioner has been falsely
implicated in the present case. The alleged occurrence is said to
have taken place on 26-01-2019. The deceased was taken to the



hospital for treatment. Her statement was recorded by the Sub Inspector of Police, Kadamkuan on 03-02-2019. In her statement, she had stated that she had been caught fire while cooking. On the said fardbayan, the mother of the deceased had also put her signature along with the Medical Officer, who was treating the deceased. The statement of the deceased is Annexure-2 to the present application. The present FIR was instituted on 16-02-2019 by father of the deceased stating that the Annexure-2 was created under threat of the accused persons rather the deceased was done to death by the accused persons. It is said that this fact came to know from the deceased but in the FIR, he had not disclosed as on which date this fact was narrated to him by the deceased. The conduct of the informant, apparently, appears to be doubtful and he has not come with clean hands. The incident is of 26-01-2019 and the FIR has been instituted on 16-02-2019.

On behalf of the State and the informant, it is submitted that Annexure-2 is the dying declaration of the deceased and there is no reason to disbelieve the dying declaration.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of learned Additional
Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in
connection with Phulparas P.S. Case No. 44 of 2019.

(Sudhir Singh, J)

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