

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27517 of 2021

Arising Out of PS. Case No.-927 Year-2020 Thana- ARA NAWADA District- Bhojpur

KAMAL PRASAD GUPTA @ CHANDESHWAR PRASAD son of late
Satya Ranjan Prasad Resident of village- Pakri, P.S- Ara Nawada, P.O- Ara,
Dist- Bhojpur, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Apurv Harsh, Adv Mr. Manu Tripurari, Adv Mr. Sujit Kumar, Adv
For the Opposite Party/s :		Mr.Aditya Narayan Singh.1
For the Informant	:	Mr. Ramakant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

7 21-10-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 304(B), 498(A)/34 of the Indian Penal Code.

Allegation against the petitioner is of committing murder of the daughter of the Informant due to non fulfillment of demand of dowry along with FIR named accused.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case being the husband of the deceased. It has been further submitted that mental condition of deceased was not normal and she was undergoing treatment in Bihar State Medical Health and

Association Center, Koelwar (Annexure-2). In the inquest report prepared by the police officer, no injury has been reported on the person of deceased. The police officer has opined that it appears that deceased died due to some disease. In the postmortem report also it has been reported that primary cause of death is CRA, however, exact cause of death could not be ascertained, as such, Viscera was sent to the forensic lab and FSL report has been received in which it has been stated that *“no metallic, alkaloidal, glycosidal, pestidical or volatile poison could be detected in the contents of dark brown fluid as described above’.*

Petitioner is in custody since 30.11.2020.

Learned counsel for the informant has vehemently opposed the grant of bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Ara Nawada P.S. Case No. 927 of 2020**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction

of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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