

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83829 of 2019

Arising Out of PS. Case No.-226 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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SHYAM KUMAR RAM Son of Satya Narayan Ram Resident of Village-
Rampur Kashim Kabirchak, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha, Adv.
For the State	:	Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 09-04-2021 Heard Mr. Ratnakar Jha, learned counsel for the

petitioner, Mr. Chandra Bhushan Prasad, learned APP for the

State, and Mr. Deepak Kumar learned counsel appearing for the

informant through virtual mode.

2. Petitioner seeks regular bail in connection with

Sadar PS Case No. 226/2019 registered for the offence

punishable under Sections 304(B)/34 of the Indian Penal Code.

3. The allegation, as per First Information Report, is

that daughter of the informant was married to the petitioner

about one year ago and after some time, petitioner along with

other family members started demanding Rs. 5 Lacs as dowry. It

is further alleged that prior to fifteen days of alleged occurrence,

the informant along with her brother-in-law went to pacify the



matter but the petitioner was adamant towards the demand of dowry and on 09.06.2019, the informant received a call from the petitioner demanding again Rs. 5 Lacs as dowry failing which, her daughter would be killed. In the midnight of 09.06.2019, the informant came to know that petitioner, who is husband of the deceased, along with other member of his family hatched a conspiracy and committed murder of the daughter of the informant, i.e., deceased.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. Learned counsel further submits that at the time of occurrence the victim was pregnant and due to abdominal pain, she took some medicines and subsequently, died.

5. On the other hand, learned counsel for the State vehemently opposed the prayer for bail of the petitioner and submits that within one year of marriage, the daughter of the informant was eliminated in her matrimonial home and cause of death has been opined by the doctor that the deceased was administered poison and there is a presumption under Section 113B of the Evidence Act against the petitioner being husband of the deceased. Learned counsel next submits that viscera



report has already been received as was called for by this Court *vide* order dated 19.02.2021.

6. On the other hand, learned counsel appearing for the informant submits that both the parties have entered into a compromise and the deceased had taken some medicine due to which she died while being taken to the hospital.

7. The viscera report has been received in a sealed cover and it was opened by this Court during court's proceeding and upon perusal of the report, it appears that Aluminum Phosphide, commercially known as Celphos was found in the tissues of viscera of the deceased, which is highly poisonous.

8. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that justification, given by the petitioner regarding death of the deceased, does not corroborate with the viscera report and further allegation against the petitioner is not compoundable, I am not inclined to grant regular bail to the petitioner at this stage. The same, is hereby, rejected.

9. However, petitioner, if so advised, may renew his prayer for bail after one year from today if the trial does not record any progress.

10. Office is directed to re-seal the viscera report and



send it to the concerned Forensic Science Laboratory.

(Anil Kumar Sinha, J)

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