

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14660 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- DARIHAT District- Rohtas

=====

UMA SHANKAR Son of Late Balbhadra Singh Resident of Village - Tarwan,
P.S. - Dahihat, District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Sr. Adv.
For the Opposite Party/s	:	Mr. Mrityunjay Kumar Nirala, APP
For Informant	:	Mr. Surendra Prasad Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 24-03-2022 Heard Mr. Krishna Prasad Singh, the learned

counsel for the petitioner and Mr. Surendra Prasad Singh,

the learned counsel for the informant. The State is

represented by Mr. Mrityunjay Kumar Nirala, the learned

APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Darihat P.S. Case No. 118/2020

instituted for the offences under Sections 304 (B)/34 of the

Indian Penal Code.

The prayer for anticipatory bail has been canvassed

solely on the ground that the postmortem report does not

disclose any external or internal injury on the deceased and



the F.S.L. report has further confirmed that the death is natural by indicating that no Metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile substance could be detected in the Viscera.

A Bench of this Court vide order dated 11.02.2022 had directed for reconsideration of the postmortem and the F.S.L. report by a body of experts as a young woman has died under mysterious circumstances within two years of her marriage.

Both the reports referred to above were put to re-examination by a committee of three Doctors; the report of which committee has been forwarded to this Court under sealed cover.

The sealed cover has been opened today during the course of hearing of this bail petition.

The team of Doctors who had reviewed the postmortem as well as the F.S.L. report have found that the procedure of examination was done according to the Directorate of Forensic Science Services Manual. All requisite tests on exhibits were performed by the Assistant Director



and the chain of custody was maintained throughout. The result obtained after the examination of the said viscera was found to be totally consistent with the case history and the postmortem report of the deceased.

The learned counsel for the informant, however, has submitted that notwithstanding the aforesaid report, the petitioner ought not be granted anticipatory bail as he is the husband of the deceased and he has not been able to explain the circumstance of the death of the deceased within two years of her marriage with the petitioner and that also during the period that she was residing in her matrimonial home. He, therefore, submits that all the ingredients of offence under Section 304(B) of the Indian Penal Code is complete.

Regard being had to the fact that there was no internal or external injury found on the body of the deceased and the F.S.L. report also confirms that the deceased died a natural death, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from



the date of receipt / production of a copy of this order, on
furnishing bail bonds of Rs. 10,000/- (Rupees Ten
Thousand) with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Sasaram in
connection with Darihat P.S. Case No. 118/2020, subject to
the condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

