

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4965 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- RAJAON District- Banka

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Santosh Kumar Jha @ Sonu, S/o Kishor Prasad Jha @ Kishor Jha, R/o
Village- Malti, P.O.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Rajoun P.S. Case No. 27 of 2021 registered for
the alleged offences under Section 304(B) of the Indian Penal
Code.

As per prosecution case, the marriage of the petitioner
was solemnized with the daughter of the informant. But after the
marriage, petitioner and other co-accused persons used to
demand money and dowry and on non-fulfillment of of this
demand further used to torture the daughter of the informant. On
the date of occurrence, the informant received a call from



mother-in-law of her daughter about the daughter of informant suddenly falling ill and when the informant and her husband went to the hospital they found their daughter dead. The informant alleged that her daughter died due to administration of poison.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place and fardbeyan of informant was recorded on 05.01.2021 at 16:30 hours and the said fardbeyan was forwarded to the concerned police station on 05.01.2021 itself. But the FIR came to be lodged after an inordinate delay of 19 days i.e. on 24.01.2020. Actually, the deceased had been demanding money from her husband to go to the place of her maternal grandfather who died on 01.01.2021. When the petitioner showed his inability to pay the money to the deceased, she become angry and in heat of passion and spur of moment she consumed poison. Thereafter, the deceased was taken to hospital by this petitioner and she was referred to J.L.N.M.C.H Hospital, Bhagalpur. Even during postmortem examination no external or internal injury was found on the person or the deceased. Chemical examination of viscera has been done and suspected poisoning has been found



provisionally. The petitioner is in custody since 28.06.2021 and charge-sheet has been submitted. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the daughter of informant died within one and a half year of her marriage and the petitioner and his family members are duty bound to explain her cause of death.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no substantive material has come up against this petitioner to show his participation in the offence as alleged and further considering the clean antecedent of the petitioner along with the period of the custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 27 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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