

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47933 of 2021

Arising Out of PS. Case No.-341 Year-2019 Thana- KALYANPUR District- Samastipur

JIBESH SINGH @ JIBESH KUMAR Son of Late Singheshwar Singh
Resident of Village - Phulhara, P.S.- Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ganesh Sharma, Adv.
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP
For the informant	:	Mr. Amit Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner, Sri Narendra Kr. Singh, the learned APP for the State and the learned counsel for the informant Sri Amit Pandey.

The petitioner seeks regular bail in connection with Kalyanpur PS case no. 341 of 2019 instituted for the offences punishable under Sections 304(B), 316/34 of Indian Penal Code.

The allegation is regarding the deceased victim lady having been killed on account of non-fulfilment of the demand for dowry.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 23.06.2021. The learned counsel for the petitioner has further submitted that the post mortem report would show that the deceased victim lady had died on account of consuming Aluminium Phosphate commonly known as Celphos. It is next submitted that the deceased victim lady was under depression and had committed suicide. The learned counsel for the petitioner has further submitted that the petitioner is the father-in-law of the deceased victim lady. In any view of the matter, it is submitted that the husband of the deceased victim lady is already in custody and if bail is granted to the petitioner herein, no prejudice would be caused to the prosecution, specially in view of the fact that charge-sheet has already been filed in this case and the investigation is complete

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that the husband of the deceased victim lady is in custody and the petitioner is the father-in-law, on whom, a general and omnibus allegation has been levelled apart from the fact that the post mortem report shows that the deceased died due to consuming poison, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Samastipur in connection with Kalyanpur PS case no. 341 of 2019.

(Mohit Kumar Shah, J)

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