

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51139 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- SARSI District- Purnia

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DIPAK KUMAR GUPTA Son of Late Shanker Prasad Gupta Resident of
Village- Nipania, Santhal Tola, P.S.- Sarsi, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 304B of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that after some time of her marriage, the informant's sister started living with him and thereafter entered into Court marriage with the petitioner herein. After some time the petitioner started making the demand of dowry to the tune of a motorcycle besides other goods and also started threatening the informant's sister. Ultimately she was killed by strangulating her and poisoning her to death.

It is submitted by learned counsel appearing for the petitioner that the petitioner has been falsely implicated in the



case. No independent witness has supported the allegations leveled against the petitioner nor is the allegations supported from the contents of the postmortem report. As per the postmortem report no antemortem injury was present on the body of the deceased nor any ligature mark or any other injury was found in the neck. The viscera mentioned therein was preserved for chemical analysis. The petitioner is in custody since 3.10.2020 and has no criminal antecedent. Charge sheet has been submitted in the case.

The application for bail is opposed by learned APP for the State.

By order dated 24.2.2022 the viscera report was called for in the case and the same has been received contained in letter dated 25.3.2022 of the Director In-charge, Regional Forensic Science Laboratory, Bihar, Bhagalpur. As per the contents of the report the result of examination is to the effect that “no metallic, alkaloidal, glycosidal, pesticidal and volatile poison could be detected in the contents of the plastic jar as described above”.

In view of the facts and circumstances of the case, the contents of the postmortem report together with the viscera report, the petitioner having remained in custody since



3.10.2020 and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Sarsi P.S. Case no. 137 of 2020 (G.R. no. 3203/2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Purnia.

(Partha Sarthy, J)

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