

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71396 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- PALIGANJ District- Patna

BALI MANJHI, Son of Late Budhan Manjhi Resident of Village - Paipura
Kala Musahari Tola, P.S.- Paliganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Kishor Mishra, Advocate Mr. Sachida Nanda Rai, Advocate Mr. Avinash Raj, Advocate
For the Opposite Party/s :		Mr.Sanjay Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 18-10-2022 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 Sessions Trial No. 477 of 2021 arising out of
Paliganj P.S. Case No. 41 of 2020 registered for the alleged
offences under Sections 304(B), 201 and 34 of the Indian Penal
Code.

As per prosecution case, the informant alleged that the
petitioner who is husband of the deceased daughter of the
informant along with his other family members administered
poison to daughter of the informant and after killing her, buried



the dead body in order to conceal it. The informant further alleged that there was dowry demand and the death took place within 6 years of the marriage.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on instigation of some persons. The informant was duly informed by the younger brother of this petitioner and this fact has been mentioned in the F.I.R by the informant. Learned counsel further submits that on getting information about illness of his daughter, informant came with his wife and his presence dead body was buried. But on the next day he filed the present case making allegation of non-fulfillment of demand of dowry and torturing for the same. Learned counsel further submits that during the intervening period, there was no complaint regarding ill behavior by the petitioner. There was cordial relationship between the husband and the wife and there was a male child born out of the wedlock who was aged about two years at the time of occurrence. Charge sheet has been submitted in this case and the petitioner is in custody since 28.09.2020.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is the husband and witnesses examined during investigation have supported the



prosecution case. Further, the post mortem was done on the body and viscera was preserved for giving opinion of cause of death. The report of Forensic Science Laboratory has come and it shows Aluminum Phosphide commercially known as 'CELPHOS' which is highly poisonous has been found in the viscera. So, it is not a case of illness or death being caused due to some ailment.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation against the petitioner who is the husband of the deceased and same being corroborated by F.S.L report, I am not inclined to enlarge the petitioner on bail and hence, his prayer for grant of bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same within nine months.

(Arun Kumar Jha, J)

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