

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16798 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- BIKRAMGANJ District- Rohtas

1. BILBIL KHARWAR Son of Nanhak Kharwar Resident of Bikramganj Patel Mohalla, Ward No.- 5, Police Station - Bikramganj, District - Rohtas.
2. Karan Kharwar Son of Bilbil Kharwar Resident of Bikramganj Patel Mohalla, Ward No.- 5, Police Station - Bikramganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 18-09-2023 Heard learned counsel for petitioner No.2 and the learned A.P.P. for the State.

2. Petitioner No.2 seeks bail, who is in custody since 21.08.2022 in connection with S. Tr. No.676/2022, arising out of Bikramganj P.S. Case No.384/2022, FIR dated 20.08.2022 registered for the offences punishable under Sections 304B & 120B of the I.P.C

3. According to prosecution case, the petitioner and other co-accused persons are alleged to have killed the deceased by giving poison due to non-fulfillment of the demand of dowry.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case merely on the ground that he is husband of the deceased. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and as allegation in the FIR the informant has raised suspicion that the petitioner and other co-accused persons have killed his sister by giving poison.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the deceased had died within five years of the marriage and the allegation as alleged in the FIR was supported by the medical evidence i.e. postmortem report as well as the viscera report and the result of the viscera report is that “Thimet was detected in the contents of all seven plastic jars marked here as 1 to 7 as described in the viscera report. Thimet is Organo Phosphorous Pesticide which is commonly used in agriculture and killing pest and its highly poisonous.”

6. Considering the aforesaid facts, the allegation as alleged in the FIR is supported by the medical evidence as well as the viscera report (F.S.L.), I am not inclined to enlarge petitioner No.2 on bail in connection with S. Tr. No.676/2022, arising out of Bikramganj P.S. Case No.384/2022 pending in the



court of learned Additional Sessions Judge-IV, Rohtas at Sasaram.

7. Prayer is refused.

8. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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