

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27154 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- CHARPOKHARI District- Bhojpur

UJJAWAL KUMAR SINGH @ UJJWAL KUMAR Son of Jitendra Singh
R/V- Hawelipur PS- Charpokhari Dist-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Charpokhari P.S. Case No. 158 of 2022 registered for the
offence under Sections 304(B), 328/34 of the Indian Penal
Code.

The daughter of the informant is subjected to
assault and torture on account of non-fulfillment of demand
of dowry by the petitioner and others and she has finally
been done to death for want of dowry by administering her
poison.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 05.08.2022 whereas the instant F.I.R. has been lodged on 17.08.2023 after delay of 12 days without any explanation. He further submits that in fact the deceased was admitted to Hospital in Patna and after discharge on 10.08.2022, she had gone to her paternal house where her condition got deteriorated and died. He further submits that taking note of the aforesaid fact, no case under Section 304(B) of the Indian Penal Code is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.09.2022.

Learned A.P.P. for the State as well learned counsel for the informant on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that according to the prosecution, petitioner administered poison to the deceased and this fact



has also been corroborated by the forensic laboratory test
which read as under;

“Result of Examination.

***ORGANS PHOSPHORUS pesticide was detected in
the content of plastic jar as described above. It
in used in Agriculture for killing pests and is
highly poisonous.”***

Considering the facts and circumstances of the case
and the rival submission of the parties and also the manner
of occurrence as well as the F.S.L. report, this Court is not
inclined to grant the privilege of bail to the petitioner.
Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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