

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38595 of 2023

Arising Out of PS. Case No.-282 Year-2019 Thana- PARSABAZAR District- Patna

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Amit Kumar S/O Vishwanath Prasad @ Vishwanath Prasad Chandravanshi @
Vishwanath Ram R/O Yadavchak, P.S-Parsa Bazar, P.O.-Kurthaul, District-
Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Vagisha Pragya Vacaknavi, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Parsa
Bazar P.S. Case No.282 of 2019 registered for the offence under
Sections 304-B and 34 of the Indian Penal Code and 3/4 of the
Dowry Prohibition Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 22.01.2022.

4. The allegation against the petitioner is to cause
death of the daughter of the informant alongwith other co-
accused persons/family members by administering poison due
to non-fulfillment of demand of dowry as raised for cash of Rs.
50,000/-.



5. Learned counsel appearing on behalf of the petitioner submitted that the wife of petitioner being a lady of short temperament and out of normal matrimonial discord consumed poison, where apparently the allegation as raised for demand of dowry is only to aggravate the allegation to implicate petitioner and his family members for offence under Section 304-B of the Indian Penal Code. It is also submitted that no external injuries were noticed upon deceased during her postmortem, suggesting that she was not assaulted physically just before the occurrence. It is submitted that even viscera of deceased was sent for FSL, after a substantial delay of two years, where in normal circumstances, after time six months, sample loses its scientific concerned. It is further submitted that it is not appearing convincing on its face to find a trace of metallic alkaloid/aluminum phosphide (*celphos*), a poisonous substance in such a preserved viscera, which was sent after two years. It is further pointed out that nothing surfaced during the course of investigation, which may suggest that act of petitioner is so direct or active, which may forced the daughter of informant to commit suicide without leaving any other option. In support of the submissions, learned counsel relied upon the report of the Hon'ble Supreme Court as reported through



Gurcharan Singh v. State of Punjab [SCC 2016 (Online) SC 1415]. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, trial of this case is not likely to conclude in the near future as not even single prosecution witnesses have been examined in this case, till now.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that petitioner is husband.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as nothing appears, *prima facie*, during the course of investigation to suggest that act of petitioner appears so active or direct to compel daughter of informant to commit suicide, without leaving no option coupled with the fact that trial is not likely to conclude in the near future, where petitioner is in custody since 22.01.2022, accordingly, petitioner, above named, is directed to be released on bail in connection with Parsa Bazar P.S. Case No.282 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Sub Judge-VIII-cum-Additional Chief
Judicial Magistrate-VIII, Patna/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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