

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40549 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- ISUAPUR District- Saran

Kamlesh Kr. Ram @ Kamlesh Ram, Son Of Dipan Ram Resident Of Village -
Murwa, P.S. - Isuapur, Distt. - Saran

... .. Petitioner/S

Versus

The State Of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Kumar Veerendra Narayan
Mr. Yashraj Bardhan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 304(B)/34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his sister was married to the petitioner in the Year 2011. After marriage, petitioner along with his parents poisoned his sister on account of non-fulfilment of dowry demand of Rs.2 Lacs and a motorcycle. It is further alleged that petitioner used to ask the informant to get his younger sister married to him and he will keep both the sisters as his wife and it appears that when his demand was not accepted, he poisoned his sister, who died during the course of treatment in Apex Hospital, New Bye-pass Road, Patna.



4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that the marriage was performed in the Year 2011, as such, it is not a case under Section 304(B) of the I.P.C. It is next submitted that had there been any demand of dowry or torture, then either the informant or the deceased would have filed a case earlier, but then, that is not the case. It is next submitted that from perusal of the allegation, it would also manifest that all efforts were made to get the deceased treated in a hospital, she died during the course of treatment. It is next submitted that a person, who intends to kill, would never make any endeavour for saving the life. It is also submitted that in the post mortem, no external injury was found and the police after investigation found the case true under Section 306 of the I.P.C. The learned counsel further submits that the deceased was under the impression that petitioner was having illicit relationship with her younger sister and that perhaps might have persuaded her to consume poison. It is also submitted that the suspicion of the deceased against the petitioner of having illicit relationship with the deceased's younger sister was unfounded. It is submitted that at the cost of repetition that all efforts were made to save the deceased, but then, she could not survive.



5. The Learned A.P.P. along with the learned counsel for the informant opposes the anticipatory bail application, but are not in a position to rebut the submission of the learned counsel for the petitioner that a person, who intends to kill, will never make endeavour to save the life and that the deceased died during the course of treatment in a hospital.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Nistha Upadheyay, J. M., 1st Class, Chapra, Saran the learned in connection with Isuapur P. S. Case No.252 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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