

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44746 of 2022

Arising Out of PS. Case No.-40 Year-2018 Thana- BANDEYA District- Aurangabad

Amarnath Kumar Sao Son of Naresh Sao Resident of village- Malhad, P.S-
Bandeya, P.O- Bandeya, Dist- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner	:	Mr. Dinu Kumar, Advocate
		Mr. Vardaan Mangalam, Advocate
For the Informant	:	Mr. Ajay Mishra, Advocate
For the Opposite Party	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 20-02-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and the learned APP for the State.

Petitioner seeks regular bail in connection with Bandeya
P.S. Case No. 40 of 2018 registered for the offences punishable
under Sections 304(B) and 120(B) of the Indian Penal Code.

As per the prosecution, the informant alleged that his
daughter (deceased) was administered with poison by this
petitioner and his family members over non-fulfillment of
dowry demand.

The main submissions advanced by Mr. Dinu Kumar,
learned counsel for the petitioner are that the marriage of the
informant's daughter (victim) took place in the year 2015 and
the death of the victim took place on 01.11.2018 and during the
period between the marriage and the commission of the alleged

occurrence, no complaint was filed regarding the alleged torture of the victim by the accused persons for the demand of motorcycle which shows that the victim was always kept in well manner by the accused persons (her in-laws) at her *sasural* and as per the Forensic Science Laboratory (FSL) report 'celphos' was found in the body of the deceased and the same was opined to be responsible for the death of the deceased and the petitioner has been languishing in jail since 07.05.2022 having fair and clean antecedent and on the body of the deceased no external injury was found.

Mr. Ajay Mishra, learned counsel for the informant as well as Mr. Pradeep Narain Kumar, learned APP for the State vehemently opposed the bail prayer and submitted that the medical report supports the allegation made in the FIR as in FSL examination report 'celphos' was found in the body of the deceased and the petitioner is husband of the deceased who was solely responsible for taking care of his wife at the time of happening of the alleged occurrence, the death of the victim was quite unnatural and the same took place within seven years of her marriage.

Having considered the seriousness of the occurrence which relates to the dowry death of the informant's daughter

which took place within seven years of her marriage and there is serious and direct allegation against the petitioner in the FIR, this Court is not inclined to accept the petitioner’s prayer for bail. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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