

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47558 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- MANIGACHI District- Darbhanga

Mangal Mukhiya S/o Sri Baijnath Mukhiya R/o village- Ward No.- 2 Amtahi,
P.S.- Sakatpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. Durga Nand Jha, Advocate
		Mr. Ram Naresh Jha, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 16-03-2023 FSL report that was sought by this Court vide order dated 09.02.2023 has been received in sealed envelope and the same is opened before this Court and after having perused the FSL report, the office is directed to send the same to the FSL department in a sealed envelope.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Manigachhi P.S. Case No. 254 of 2021 registered for the offences punishable under Sections 304(B), 328 and 201 of the Indian Penal Code.

As per the prosecution, the informant's daughter (deceased) was administered with poison by this petitioner who happens to be the husband of the deceased and after the crime

he disposed of the corpse near a bush.

The main submissions advanced by learned counsel for petitioner are that the petitioner belongs to labour class, he has fair and clean antecedent, the police did not examine any person belonging to the village of the matrimonial house of the deceased and in the instant matter there is no independent witness and the witnesses examined during investigation did not claim to have seen the alleged occurrence and in the *post-mortem* report no cause of death could be ascertained by the medical board concerned and on the body of the deceased any external or internal injury was not found. Further submission is that the informant claimed to have received the information of the alleged occurrence at 05:00 PM on 24.12.2021 but he did not go to the alleged place and he went to Manigachhi police station on 25.12.2021 and in the FIR there is no any specific allegation of dowry demand and the other allegation concerned to physical torture is completely vague and therefore the alleged offence of 304(B) of IPC is not made out in the present matter.

Learned APP for the State has opposed the bail prayer.

Heard both the sides. The petitioner is husband of the deceased and the victim's marriage with this petitioner took place in the year 2020 and just one year after the marriage the

petitioner’s wife died in suspicious circumstance and her dead body was recovered about ten kilometers away from her matrimonial house and in the FIR victim’s father made the allegation that there was no good relation between the victim and the petitioner and the victim was always subjected to physical and mental torture by this petitioner and the informant raised suspicion that the victim was administered poison by this petitioner and as per the FSL report *Aluminium Phosphide* was detected in the viscera of the deceased which supports the cause of death of the victim due to a poisonous material.

Considering all the above facts, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

The petitioner is given a liberty to renew his bail prayer after one year if sufficient progress is not made in his trial.

(Shailendra Singh, J)

Shahnawaz/-

U		T	
---	--	---	--