

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54455 of 2023

Arising Out of PS. Case No.-876 Year-2020 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Dilkhush Kumar, aged about 25 years, Gender-Male, Son of Nand Kishor Mandal, Resident of Village - Dhruv Vilash, Ward No.-01, Police Station - Janki Nagar, District – Purnea.

... .. Petitioner

Versus

1. The State of Bihar.
2. Surendra Mandal, Son of Late Sahdeo Mandal, Resident of Village - Raghunathpur, Ratanpatti, Ward No. 01, Khusropatti, P.S. - Murliganj, District - Madhepura

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Bijendra Kumar Singh, Advocate
For the State	:	Mr. Ajay Kumar No. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 13-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with C.A. Case No. 876 of 2020 dated 31.08.2020 registered for the offences punishable under Sections 304B and 498A of the I.P.C.



4. As per prosecution case, the petitioner and other co-accused persons are alleged to have murdered the complainant's daughter due to non-fulfilment of Rs. 2,00,000/- as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. The petitioner has not tortured the complainant's daughter. It is submitted that the victim has died due to food poisoning and to that effect the father of the petitioner has lodged Janki Nagar P.S. Case No. 04 of 2020 before the Officer-in-Charge, Janki Nagar, Purnea, annexed as Annexure-2 to the bail application. It is further submitted that the alleged occurrence took place on 10.08.2020 and the complaint was filed on 31.08.2020 after a lapse of 20 days of the alleged occurrence and the delay in filing the complaint case has not been explained by the prosecution. It is submitted that after death of the victim, the police was informed by the petitioner's father and thereafter her dead body was sent for postmortem and its report and the dead body was not burnt in hurry. It is further submitted that from perusal of the postmortem report, it appears that the doctor has opined that no definite cause of death could be ascertained, however, part of



liver, spleen, kidneys, lungs, heart, stomach and part of intestine with its contents has been sent for forensic examination. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6.Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner is the husband of the deceased and he alongwith other accused persons murdered the deceased. It is further submitted by learned A.P.P. for the State that from perusal of the F.S.L. report, it appears that 'No Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison could be detected in the contents of the plastic jar.

7. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition stands rejected and the petitioner is directed to surrender before the learned court below within a period of eight weeks from the date of receipt/production of a copy of this order and the learned court below shall consider the prayer for regular bail of the petitioner without being prejudiced of the order of this Court in connection with C-A-Case No. 876 of 2020, pending in the court of learned J.M. Ist Class, Purnea.



8. Accordingly, the anticipatory bail application of
the petitioner stands rejected.

(Chandra Prakash Singh, J)

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