

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56956 of 2022

Arising Out of PS. Case No.-215 Year-2018 Thana- LAKHNAUR District- Madhubani

CHANDAN KUMAR S/o Ram Ganesh Prasad Mahato @ Ram Ganesh Singh
R/o Vill- Pure, P.S.- Lakhnaur, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Lakhnaur P.S. Case No. 215 of 2018 registered for the offence
punishable under Section 304(B)/ 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that the
daughter (victim) of Upendra Mahto has been killed by this
petitioner (husband) and her in-laws by poisoning her over non-
fulfilment of demand of dowry.

The main submissions advanced by the learned
counsel for the petitioner are that petitioner is husband of
deceased, his wife died due to snake bite and in this regard
inquest report of the deceased is relevant and during
investigation most of the witnesses also supported the said



factum about the victim having died due to snake bite and petitioner has been languishing in jail since 18.07.2022 and victim's mother-in-law who is carrying similar nature of allegation has been granted bail by this Court. Further submission is that the father and mother of the deceased including the informant have compromised the matter with this petitioner and in the present time, good relation has restored between them.

Learned APP appearing for the State has opposed the bail prayer and submitted that as per FSL report, *aluminium phosphide* was found in the body of the deceased which falsifies the petitioner's defence as to the victim having died due to snake bite and moreover the victim died just six months after her marriage in suspicious circumstances.

Heard both the sides and perused the FIR, case diary as well as FSL report. Admittedly, the victim died unnatural death in suspicious circumstances while residing along with this petitioner and the petitioner has taken the defence that his wife died due to snake bite but the said defence has been falsified by the FSL report of the victim and as per the FIR, there was no good relation between petitioner and his wife. Considering these facts, in my opinion, it is not a fit case for bail to the



petitioner. Accordingly, his bail prayer stands rejected.
Petitioner may renew his prayer after framing of charge.

(Shailendra Singh, J)

Sanjay/-

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