

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59824 of 2022**

Arising Out of PS. Case No.-72 Year-2021 Thana- SULTANGANJ District- Bhagalpur

KUNDAN KUMAR SHARMA Son of Sri Nand Kishore Sharma R/V-  
Dudhaila, P.S- Sultanganj, Dist- Bhagalpur ... .. Petitioner/s  
Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sadanand Paswan  
For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

6      21-06-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for bail in connection with  
Sultanganj P.S. Case No. 72 of 2021 instituted for the offence  
under Sections 304(B), 328/34 of the Indian Penal Code.

As per allegation in the FIR, petitioner along with his  
family members has tortured in various ways to the daughter of the  
informant due to non-fulfillment of dowry demand, they killed her  
by administering poison.

Learned counsel appearing on behalf of the petitioner  
has submitted that petitioner is husband of the deceased and has  
been falsely implicated in this case as petitioner has performed  
love marriage with the deceased against her parents wish.  
Deceased was in depression due to poor economic condition as her  
husband become unemployed during corona Pandemic. She meet  
with a quack doctor and took some medicine and after consuming



medicine her condition started deteriorating. She was being taken to hospital and information was also provided to her mother. During treatment she died at hospital. Prior to this occurrence, there is no complaint regarding harassment or torture against the petitioner. Petitioner has no criminal antecedent and he is languishing in judicial custody since 28.01.2022.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that during investigation, several witnesses have supported the prosecution story. As per FSL report, aluminum phosphide was detected which is highly poisonous. Doctor has also found injury on the body of deceased, as per postmortem report.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite and conclude the trial within six months, failing which the petitioner will be at liberty to renew his prayer for bail.

**(Sunil Kumar Panwar, J)**

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