

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74059 of 2022

Arising Out of PS. Case No.-143 Year-2020 Thana- MATIHANI District- Begusarai

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AMIT KUMAR S/O RAJENDRA SINGH Resident of village- Ramdiri, Tola-
Ram Nagar, P.S.- Mathihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Matihani
P.S. Case No. 143 of 2020 registered for the offence under
Sections 304 (b) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.09.2022.

The allegation against the petitioner is to cause death
of daughter of informant who is none but the wife of the
petitioner along with other family members/co-accused persons,
due to non fulfilment of demand of dowry as raised for cash of
Rs. 5 Lac.



Learned counsel appearing on behalf of the petitioner submitted that soon before the alleged occurrence the deceased was operated for appendix and due to some negligence, infections developed, where she died due to septicemia. It is submitted that this fact is in corroboration with finding of post-mortem report, where cause of death was ascertained as “septicemia”. It is submitted that no external and internal injuries were noticed upon deceased negating any physical assault soon before the occurrence. It is further submitted that present FIR was lodged only with an oblique motive after eight (8) days of the occurrence which only suggests false implication of this petitioner as an after thought. It is submitted that presence of ‘Celphos’ in viscera might be for the reason for using foodgrains without washing it properly, where it was used as preservative. It is also submitted that informant retracted her version through Annexure-2 of the present bail petition and accordingly filed her statement before the Court of learned Judicial Magistrate-Ist Class and also before the Court of learned Sessions Judge, during hearing of bail petition.

Learned APP, while opposing the prayer of bail submitted that ‘Celphos’ was deducted in viscera of deceased.

In view of the facts and circumstances as mentioned



above, as FIR lodged with a delay of eight (8) days without having any just explanation, where no external injuries noticed upon deceased, where cause of death ascertained as 'Septicemia' coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Matihani P.S. Case No. 143 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Begusarai/concerned Court, subject to the following conditions :

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition."

(Chandra Shekhar Jha, J)

R.S.Sen/-

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