

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18033 of 2024

Arising Out of PS. Case No.-27 Year-2017 Thana- ISHUPUR BARAHAT District- Bhagalpur

Sumitra Devi Wife Of Jai Gopal Mandal Resident Of Village - Vishal, P.S. -
Ishipur Barahat, District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-04-2024 Heard Mr. Dhananjay Kumar Pandey, learned
counsel for the petitioner and Mr. Binod Kumar, learned A.P.P.
for the State.

2. The petitioner seeks bail in connection with Ishipur
Barahat P.S. Case No. 27 of 2017 registered for the offence
under Sections 328, 304(B) and 34 of the Indian Penal Code.

3. The petitioner along with other co-accused persons
are said to have tortured and assaulted the daughter of the
informant due to non-fulfillment of the demand of the dowry.
On 08.08.2017 the informant was informed that her daughter
became unconscious on that information, the informant, her son
and her husband went to matrimonial house of her daughter
where they saw the dead body of her daughter lying in the court-
yard.

4. Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case merely on the ground that she is mother-in-law of the deceased. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the victim died due to snake bite. The petitioner is rotting in judicial custody since 21.11.2023.

5. Learned A.P.P. for the State, on the other hand, on the basis of the case diary and the materials available on the records opposes the prayer for bail of the petitioner and submits that as per the allegation in the FIR the petitioner and other family members have administered poison to the daughter of the informant due to which she died and post-mortem report as well as the FSL report also support the allegation as alleged in the FIR and FSL report suggest that *“ALUMINIUM PHOSPHIDE was detected in dark brown fluid contents in one glass jar as described above. Aluminium Phosphide is commercially known as ‘CELPHOS’ is a severe gastro intestinal irritant. It is used as a grain preserving and is highly poisonous.”*

6. Considering the facts and circumstances of the case as well as the report of the trial Court, I am not inclined to enlarge the petitioner on bail in connection with Ishipur Barahat pending in the Court of learned Judicial Magistrate, 1st Class,



Bhagalpur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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