

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31113 of 2024

Arising Out of PS. Case No.-572 Year-2023 Thana- BHORE District- Gopalganj

Rajesh Kushwaha @ Rakesh Kushwaha Son of Ramakant Kushwaha
Resident of village- Sishai Tola Baikunthpur, P.S.- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 22-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Bhore P.S. Case No. 572 of 2023 for the offence punishable under sections 304(B), 328 and 34 of the Indian Penal Code lodged on 17.11.2023 by the informant, Chandrawati Devi.

3. As per the prosecution story, the informant alleged that the victim lady was married to the petitioner but was tortured for dowry and on the fateful day, came to know about she having been given an injection of poison which resulted into her death. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the lady was suffering from typhoid for four months, the treatment took place and ultimately, she died but on some minor dispute, the informant side chose to implicate all the family members.



5. Learned APP opposes the prayer for bail submitting that the petitioner is the husband.

6. Though the petitioner is the husband, no material has come forward to support the poison theory of the prosecution. The different documents of the Doctor concerned is part of the petition. In this case, case diary was called for by the Coordinate Bench according to which, the viscera was sent to the Regional Forensic Science Laboratory, Muzaffarpur and the report is also part of record according to which, no metallic, alkaloidal, glycosidal, pesticidal or volatile poison could be detected in the contents.

7. The petitioner has made out a case, has also been undertaken that the petitioner shall be diligently appearing in trial, he do not have criminal antecedent and is in custody since 18.11.2023 (para 12 of the petition). In that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, District Gopalganj in connection with Bhore P.S. Case No. 572 of 2023 subject to the following



conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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