

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33190 of 2024

Arising Out of PS. Case No.-876 Year-2020 Thana- PURNIA COMPLAINT CASE District-
Purnia

=====

Dilkhush Kumar Son of Nand Kishor Mandal Resident of Village- Dhruh
Vilash, Ward No. 1, P.S.- Jankinagar, Dist.- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Surendra Mandal Son of Late Sahdeo Mandal Resident of Village-
Raghunathpur, Ratan Patti, Ward No. 01, Khusropatti, P.S.- Murliganj, Dist.-
Madhepura

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar Singh, Adv. Mr. Ajay Kumar Thakur, Adv.
For the Opposite Party/s :		Mr. Nityanand, APP Mr. Umanath Mishra, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 29-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with C-A Case No. 876 of
2020 registered for the offences punishable under Sections 304B
and 498A of the Indian Penal Code.

3. As per prosecution case, the petitioner and other
co-accused persons are alleged to have murdered the
complainant's daughter due to non-fulfillment of Rs. 2,00,000/-
as dowry.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. The petitioner has not tortured the complainant's daughter. It is submitted that the victim has died due to food poisoning and to that effect the father of the petitioner has lodged Janki Nagar P.S. Case No. 04 of 2020 before the Officer-in-Charge, Janki Nagar, Purnea, annexed as Annexure-2 to the bail application. It is further submitted that the alleged occurrence took place on 10.08.2020 and the complaint was filed on 31.08.2020 after a lapse of 20 days of the alleged occurrence and the delay in filing the complaint case has not been explained by the prosecution. It is submitted that after death of the victim, the police was informed by the petitioner's father and thereafter her dead body was sent for postmortem and its report and the dead body was not burnt in hurry. It is further submitted that from perusal of the postmortem report, it appears that the doctor has opined that no definite cause of death could be ascertained, however, part of liver, spleen, kidneys, lungs, heart, stomach and part of intestine with its contents has been sent for forensic examination. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application and he is in custody since 09.02.2024.



5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner is the husband of the deceased and he alongwith other accused persons murdered the deceased. It is further submitted by learned A.P.P. for the State that from perusal of the F.S.L. report, it appears that 'No Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison could be detected in the contents of the plastic jar. The anticipatory bail of the petitioner was earlier rejected by this Court vide order dated 13.12.2023 in Cr. Misc. No. 54455 of 2023.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with C-A Case No. 876 of 2020, pending in the Court of leaned J.M.-1st Class, Purnea.

7. Accordingly, the regular bail application of the petitioner stands rejected.

(Chandra Prakash Singh, J)

Shivam/-

U		T	
---	--	---	--

