

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32182 of 2024**

Arising Out of PS. Case No.-276 Year-2022 Thana- BARHIYA District- Lakhisarai

Nitish Kumar Son of Vijay Kumar Singh @ Vijay Singh @ Vijay Narayan  
Singh Resident of Village - Pratapur, P.S. - Barahiya, District - Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                        |   |                                                            |
|------------------------|---|------------------------------------------------------------|
| For the Petitioner     | : | Mr.Shivam, Advocate                                        |
| For the Opposite Party | : | Mr.Pramod Kumar Pandey, A.P.P.<br>Mr.Navin Kumar, Advocate |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      19-07-2024                      Heard learned counsel for the petitioner, the State and informant.

2. The petitioner seeks regular bail in a case registered for the offence punishable under sections 302/120B/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner was married with daughter of the informant 20 years back and out of the said wedlock they had two children. It is alleged that petitioner had fallen in bad company and he was subjecting her to cruelty and harassment. Later on, case of domestic violence was also lodged against the petitioner and his family members. On 17.12.2022, daughter of the deceased informed that her father and other family members assaulted her mother and then killed her by administering poison.



4. Learned counsel appearing for the petitioner denies the allegation and submits that the petitioner is being prosecuted in this case only because he is husband of the deceased. Police after investigation, has filed charge sheet for the offence punishable under section 306 of the IPC. Though, there is allegation of assault, but in the post mortem report, the doctor has not found any external or internal injury on the body of the deceased. It is also submitted that son of the deceased has stated during course of the investigation that while he was preparing for IIT and residing at Delhi he received a call from her sister that after scuffle between her father and mother, her mother consumed poison, namely, Celphos. Thereafter, his father had taken her to the Hospital where she died during treatment. Petitioner is in custody since 17.1.2024.

5. Learned counsel for the State as well as the informant oppose the prayer for bail. They submit that there is direct and specific allegation in the FIR that the petitioner and his family members regularly assaulted daughter of the informant. Later on, accused persons killed her by administering poison.

6. Considering the nature of accusation and the fact that the police has already submitted charge sheet under section



306 of the IPC, prayer for regular bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai in Thana Barahiya Police Station Case No. 276 of 2022.

**(Prabhat Kumar Singh, J)**

Shashi

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

