

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56540 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- Kavaiya District- Lakhisarai

JITENDRA KUMAR SON OF LALAN SAW RESIDENT OF NAYA
BAZAR, DURGI MAHARAJ GALI, WARD NO. 23, LAKHISAAI, P.S. -
KABAIYA, DISTRICT – LAKHISARAI Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 19-11-2024 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is in judicial custody in connection with Kabaiya P.S. Case No. 5 of 2024 for the offences punishable under Sections 304(B)/34 of the IPC and 3/4 of the D.P. Act, lodged on 01.03.2024 by the informant, Vikash Prasara.

3. As per the prosecution story, the informant alleged that the marriage of her daughter was solemnized on 16.02.2022 but was always tortured for dowry and when they came to know that she cannot become mother, was killed by administering poison which led to the FIR.

4. In this case, the Co-ordinate Bench had called for the case diary and the postmortem report which are on record. As per the postmortem report, the poisonous substance to kill the rat was found in the person of the dead body.

5. Learned counsel for the petitioners submits that she was depressed, as could not become mother after the report



came, took the ultimate decision whereafter she was rushed to the Doctor/Hospital but could not be saved.

6. Learned APP, Mr. Anil Kumar, on the other hand, has disputed the said claim submitting that at no point of time and/or there is nothing on record that after the lady consumed poison and/or was forced to consume the same, she was taken to any Doctor/Hospital which clearly points finger towards the accused persons including this petitioner.

7. This Court finds force in the submission of the learned APP, even accepting the version of the petitioner that she consumed poison, the least that was expected from the family was to rush the lady to the Doctor/Hospital so that an innocent life could be saved. No such step was taken.

8. In the aforesaid background, it would be appropriate that he faces trial. Accordingly, the bail application stands rejected.

9. As the petitioner is in custody since 12.03.2024, the learned trial court is request to expedite the trial.

(Rajiv Roy, J)

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