

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65195 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- ISHUPUR BARAHAT District-
Bhagalpur

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RISHI KANT UPADHAY SON OF SATYANARAYAN UPADHYAY
Village- Jhurphuriya Ps- Ishipur Barahat Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B)/34 of the Indian Penal Code.

3. As per allegation in the FIR, the informant alleged that her daughter was married with the petitioner in year of 2021 and thereafter, the petitioner along with his family members subjected her to cruelty due to non-fulfillment of dowry demand. His daughter became ill and was admitted to hospital where she died. It is alleged that the accused persons did not take proper care and treatment due to which the deceased died.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. The petitioner is husband of the deceased due to which he has falsely been implicated in this case. The FIR was lodged in delay of six days of the death of the deceased. It is submitted vide para 6, 7 & 8 of the petition that the victim was never tortured or physically harassed by the accused persons rather she became ill and was treated by private doctor on 1.10.2022 and also treated in Sadar Hospital Dodda, Jharkhand. But she died during course of treatment. The doctor who did the postmortem of the deceased, has also not found any injuries. The victim died during treatment due to Cardiac Respiratory failure as it evident from the certificate given by the hospital. The petitioner was also not present at the time of occurrence. It is also submitted according to FSL report that no poisonous material was detected. He has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 15.10.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge



him on bail. The above named petitioner is directed to be released on bail in connection with Ishipur Barahat P.S. Case No. 138 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM- XII, Bhagalpur.

(Sunil Kumar Panwar, J)

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