

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69323 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- NAYA RAM NAGAR District- Munger

Kundan Kumar, aged about 31 years (Male), S/O Ramdev Mandal, R/O Vill-
Barai Chak Patam, P.S. Naya Ram Nagar, Dist Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Brajesh Prasad Gupta, Advocate
For the Opposite Party : Mr. Murli Dhar, A.P.P.

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

ORAL ORDER

6 08-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Naya Ram Nagar P.S. Case No. 130 of 2023 dated 02.06.2023 registered for the offence punishable under Sections 304B/34 of the I.P.C.

3. As per the prosecution case, the deceased who was married to the petitioner on 06.06.2022, was subjected to continuous torture for demand of Rs. 5,00,000/- for doing business which she denied. It is further alleged that on 08.05.2023, the informant was informed by the petitioner that his daughter has taken '*sulphas*' and he must come to Sadar Hospital, Munger at the earliest. Later on, she was referred to



J.L.N.M.C.H., Bhagalpur then they went to Bhagalpur where he found his daughter dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is the husband of the deceased. The petitioner neither demanded any dowry from the deceased nor he killed the deceased. The petitioner himself informed the informant and asked to come as his daughter consumed '*sulphas*'. Thereafter, the petitioner took the victim to Sadar Hospital and from there she was brought to J.L.N.H.M.C, Bhagalpur, for her better treatment but she could not be saved. It is further submitted that the reason behind the suicide of the victim is that a *Sadhu* has told the victim that she would not become the motherhood and due to that frustration, she herself committed suicide. It is further submitted that from perusal of the viscera report, the doctor opined that 'Aluminum Phosphide commercially known as CELPHOS is a severe gastro intestinal irritant. It is used as grain preservative and is highly poisonous.' The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 09.06.2023.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Munger or his successor court in connection with Naya Ram Nagar P.S. Case No. 130 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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