

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72735 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- SAHPUR District- Bhojpur

Shambhu Turha, Male aged about 23 years, Son of Munna Turha @ Munna,
Resident of Village- Itwa, P.S.- Shahpur, District- Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 26-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Shahpur PS Case No. 90 of 2022 instituted for the offences
punishable under Sections 304(B)/34 of the Indian Penal Code.

3. As per the prosecution case, it is case of dowry
death due to non fulfillment of dowry demand by the petitioner
and his family members.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that the
occurrence took place on 11.03.2022 and the FIR has been
lodged on 13.03.2022 after delay of two days and there is no
plausible explanation in this regard which creates serious doubt.
As per the FIR, marriage was solemnized six years ago whereas



his wife told to the police in her statement recorded in para 34 of the case diary that the marriage was solemnized ten years ago.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR, viscera report, postmortem report and also the impugned order of the learned Additional District and Sessions Judge-Xth, Bhojpur at Ara dated 18.07.2023, it appears that the death of the deceased is within six years of marriage. From bare perusal of viscera report, it appears that the deceased died due to Aluminium Phosphide commercially known as “Celphos” is a severe gastro intestinal irritant. It is used as a grain preservative and is highly poisonous and in the FIR, which also shows that there is direct involvement of the petitioner for committing the death of the deceased. Petitioner is in custody since 27.02.2023.

7. In this circumstances, there is no explanation regarding the death of the deceased and the deceased died due to administering poison, I am not inclined to grant bail to the petitioner at this stage.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. However, the learned trial Court is directed to



conclude the trial within a period of one year from the date of receipt of this order. If the trial is not concluded within the stipulated period the petitioner shall be at liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

Anand Kr.

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

