

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77183 of 2024

Arising Out of PS. Case No.-54 Year-2023 Thana- AGRER District- Rohtas

Vinay Kumar @ Vinay Kumar Rai S/O Om Prakash Rai R/O Village- Gotapa,
P.S- Agrer, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Arbind Kumar Pandey, A.P.P.
For the Informant	:	Mr. Saroj Kumar Sharma, Advocate
		Mr. Anupam Bahadur, Advocate
		Mr. Vikash Kumar, Advocate
		Mr. Sunny Kumar, Advocate
		Ms. Smriti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-11-2024 Heard learned Counsel for the petitioner, learned
A.P.P. for the State and learned Counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with S.Tr. Case No. 131 of 2024 arising out of Agrer P.S. Case No. 54 of 2023, registered for the alleged offences under Sections 304(B) and 34 of the Indian Penal Code.

3. As per prosecution case, daughter of the informant died within three years of her marriage in her matrimonial home. The petitioner is husband and allegation against the petitioner and other co-accused persons is of demanding Rs. 2 lakhs and a motorcycle in dowry and on non-fulfillment of the demand, killing the daughter of the informant by administering



poison and also strangulating her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The daughter of the informant committed suicide by consuming poison and she was firstly taken to the Doctor, namely, Chitranjan Singh for treatment from where she has been referred to the hospital at Banaras. It is apparent from the statement of the Doctor who first treated her that the deceased consumed poison and her treatment was started and she was referred to BHU/ Shubham Hospital at Banaras. Inquest Report was prepared in presence of Magistrate in the Shubham Hospital where it was again noted that the deceased consumed poison and died during her treatment. Learned Counsel further submits the informant also put his signature as witness on Inquest Report. The deceased was cremated at Varanasi in the presence of informant but after some time, she filed this false and concocted case.

5. Learned counsel further submits that from the postmortem report, it is also apparent that there is no signs of injury has been found and as the Doctor could not ascertain the reason for death, *visra* was sent for chemical examination. Prior to the F.I.R., no complaint about any atrocity committed by the



petitioner or by family members have been made to any of the authorities. Learned Counsel further submits that the petitioner is in custody since 22.11.2023 and chargesheet has been submitted.

6. The learned A.P.P. and learned Counsel for the informant opposes the submission made on behalf of the petitioner. Learned Counsel for the informant submits that the daughter of the informant was forced to consume poison as the petitioner was having illicit relationship with some lady and this fact has been stated by the sister-in-law (gotni) of the deceased and other witnesses. Due to illicit relationship of the petitioner, she was being tortured by the petitioner and other family members. Learned Counsel further submits that the deceased was having a child aged about 1 ½ years and there was no possibility to consume poison.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the doubt over cause of death and reasons for the deceased consuming poison and the doubtful nature of allegation against the petitioner and his period of custody, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



19th Additional Sessions Judge, Rohtas at Sasaram, in connection with S.Tr. Case No. 131 of 2024 arising out of Agrer P.S. Case No. 54 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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