

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12736 of 2025

Arising Out of PS. Case No.-12 Year-2024 Thana- MAHILA P.S. District- Saran

Kundan Kumar @ Kundan Kumar Sah Son of Late Sat Kumar Sah @ Late
Sant Kumar Sah Village -Vishunpura P.S -Isuapur District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar, Adv.
For the State	:	Mr. Chandra Bhushan, APP
For the Informant	:	Mr. Ashwani Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-04-2025 Heard learned counsel for the petitioner and learned

APP for the State, who is present along with the S.H.O. of

Mahila Police Station, Saran at Chapra. Learned counsel for the

informant is also present.

2. The First Information Report had originally been

lodged as a zero FIR on 26.12.2023 under Section 498A of the

Indian Penal Code and other sections. The same was

subsequently converted into one under Section 304B of the IPC

on 03.08.2024 after the death of the wife of the petitioner on

08.04.2024.

3. The allegation is on the accused persons of having

administered Harpic to the daughter of the informant due to

which she died.



4. Learned counsel for the petitioner submits that there is general and omnibus allegation in the FIR of having administered Harpic but as a matter of fact neither the petitioner nor any one from his family had forced her to consume the said substance, rather it was the deceased herself who was not happy since the beginning of the marriage and was not desirous of living with the petitioner and hence, she tried to commit suicide by consuming some hazardous and poisonous substance in her bid to commit suicide. Learned counsel for the petitioner also submits that even earlier the petitioner and his family never subjected her to any kind of dowry demand or torture.

5. Learned APP for the State and learned counsel for the informant have opposed the present anticipatory bail, besides others, on the ground that the deceased on account of the forcible consumption of Harpic, had lost her life and the same would be evident from the postmortem report dated 10.04.2024, which has been brought along with the case diary. The said postmortem report would show that the death was due to the effects of corrosive poisoning, thereby supporting the case of the prosecution.

6. It is a case under Section 304B IPC where there is a presumption clause and the petitioner is the husband, who is



primarily responsible for well being of his wife.

7. In view of the above-mentioned facts and circumstances of the case, I am not inclined to grant the anticipatory bail to the petitioner and the same is rejected in connection Saran Mahila P.S. Case No. 12 of 2024.

8. The personal appearance of the S.H.O., Saran at Chapra is dispensed with.

(Soni Shrivastava, J)

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