

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20893 of 2025

Arising Out of PS. Case No.-140 Year-2023 Thana- RAJEPUR District- East Champaran

Satendra Sah @ Satyendra Sah @ Satyendra Kumar @ Satyander Kumar, Son
of Yogendra Sah, Resident of Village - Madhuaha Brit, Police Station -
Rajepur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate Mr. Avinash Kumar, Advocate Mr. Rahul Singh, Advocate
For the State	:	Mr. Anish Chandra, APP
For the Informant	:	Mrs. Ranjana Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-08-2025 Heard learned senior counsel for the petitioner,

learned APP for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in
connection with Rajepur P.S. Case No. 140 of 2023, registered
for the offence punishable under Sections 304(B) and 328/34 of
the Indian Penal Code.

3. As per prosecution case, the sister of the informant
was married with the petitioner in the year 2011 and there is
allegation that the petitioner and other family members used to
demand Rs.50,000/- and a motorcycle in dowry and a
panchayati was also held. On 17.06.2023, the sister of the
informant was killed by administering her poison by the



petitioner and his other family members.

4. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The death took place after seven years of marriage and there could be no application of Section 304(B) IPC in the present case. The sister of the informant was taken to SKMCH, Muzaffarpur by the petitioner and his family members for treatment of suspected snake bite. The post mortem report also shows snake bite was found on the body of the deceased. However, viscera was preserved and it was sent to the Forensic Science Laboratory for its examination. The report of FSL shows Aluminum phosphide was detected in the contents of the glass jar and Aluminum phosphide is commercially known as 'CELPHOS', which is contrary to the post mortem report. The learned senior counsel further submits that if the petitioner had any guilty mind, he would not have taken the sister of the informant to the hospital. The demand of dowry after 12 years is also not believable. Then there is doubt over the cause of death since the post mortem report is from a medical college, the same cannot be simply disbelieved. Further, in any case, if there is doubt over cause of death, benefit should go to the petitioner. The petitioner is in custody since



20.11.2024 and is having clean antecedent. The charge sheet has been submitted.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that the petitioner firstly claimed that his wife died due to snack bite but the FSL report shows she died due to poison and *Celphos* was found in her viscera. This shows the allegation made against the petitioner in the FIR is true.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the doubt over cause of death and the conduct of the petitioner in taking his wife to the hospital and further considering the period of custody of the petitioner, submission of charge sheet and his clean antecedent, the petitioner 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 Judicial Magistrate-1st Class, East Champaran, Motihari, in connection with Rajepur P.S. Case No. 140 of 2023, subject to the conditions mentioned in Section 480 (3) of BNSS 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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