

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44057 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- DUMARIYA District- Gaya

Kapil Chaudhary, Son of Krishna Chaudhary, Resident of Village- Chotka
Pankara, P.S.- Dumariya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 04-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Dumariya P.S. Case No. 109 of 2023 registered for the offence punishable under Sections 304B/34 of the Indian Penal Code.

3. The case of the prosecution is that Ranju Devi was married to the petitioner on 06.05.2021. It is alleged that she was subjected to cruelty on account of non-fulfillment of dowry demand. On 01.10.2023, the informant received a call that his sister has died. When he went to the matrimonial house of his sister, he found that every preparation was there for cremating the dead body and the in-laws have fled away.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. It is further submitted that during trial, the informant has been examined as P.W.-1. In his examination-in-chief, he has reiterated the statements made in F.I.R. whereas in his cross examination in para-11, he has stated that his sister was having no issue that is why she was in stress. In that stress, she has taken some medicine due to which she died. He has also come to know that the petitioner has got no role in the occurrence. F.S.L. report of the preserved viscera is also there on the record from perusal of which, it is clear that Aluminium Phosphide was detected in the contents of glass jar as described above. Aluminium Phosphide is commercially known as 'Celphos'. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 17.10.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Cass, Sherghati (Gaya) in connection with Dumariya P.S. Case No. 109 of 2023.

(Ashok Kumar Pandey, J)

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