

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89493 of 2024

Arising Out of PS. Case No.-392 Year-2022 Thana- CHHATAPUR District- Supaul

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Rupesh Kumar @ Rupesh Yadav Son of Late Nago Yadav Resident of
Village- Madhopur, P.S.- Chhatapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shyam Kishore, Advocate
For the Informant	:	Mr. Indrajeet Bhushan, Advocate
		Mr. Pranav Kumar, Advocate
For the Opposite Party/s :		Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 08-05-2025 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. The petitioner seeks regular bail in connection with

Chhatapur P.S. Case No. 392 of 2022 registered for the offences

under Sections 302, 304(B) and 328/34 of the Indian Penal

Code.

3. The allegation against the petitioner is that the

informant's daughter was married to him on 26.10.2022. The

informant has alleged that the petitioner as well as other in-laws

used to demand motor cycle and for non-fulfillment of which

the daughter of the informant was assaulted. It was further

alleged that on 24.10.2022 the informant's mother-in-law died



and the informant's daughter had requested to participate in the cremation and last rites of her maternal-grand-mother (nani), however, the petitioner and others are said to have assaulted her and abused her and later they administered poison to the daughter of the informant as well as the two grand sons i.e. the sons of the petitioner for non-fulfillment of the dowry.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he is the father of the two minor children who died due to poison. The learned counsel further submits that the demand of motorcycle is imaginary and has been levelled only to implicate the petitioner and other family members. The learned counsel has suggested that there is no material to suggest that the wife of the petitioner was subjected to torture prior to her death. The learned counsel has pointed out that during the course of investigation, it has come through the statements of various witnesses who were examined by the police that due to the altercation between the petitioner and his wife, the wife herself consumed poison and also gave the same to her two sons. It has also come during the course of investigation that the petitioner was not present at his residence and when he was informed about his wife and two sons being given poison by the deceased wife he came rushing



back and took the car of a co-villager namely, Santosh Yadav and rushed to the hospital, however, he could not save his wife or his two sons. The learned counsel has pointed out that the said statements are all of independent witnesses. It has lastly been submitted that the petitioner has clean antecedent and is in custody since 04.07.2024.

5. Learned counsel for the State and learned counsel for the informant have opposed the prayer for bail of the petitioner and have stated that there is direct allegation against the petitioner and other in-laws of the deceased who have administered the poison to the wife of the petitioner and killed him for non-fulfillment of the demand of dowry. The learned counsel for the informant has also submitted that from the inquest report it is evident that there was a cut on the lips of the deceased and blood oozing out from the nose which shows that there was injury caused to the deceased prior to giving her poison. However, he admits that in the postmortem no ante mortem injuries were found on the person of the deceased.

6. Considering the aforesaid submissions made by the respective parties and taking into account the statements of the independent witnesses who have stated that it was the deceased who had consumed the poison herself and had given it to her



sons in a fit of anger due to a scuffle with her husband i.e. the petitioner and also the fact that the petitioner is in custody since 04.07.2024, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Chhatapur P.S. Case No. 392 of 2022.

(Sourendra Pandey, J)

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