

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8131 of 2015

Arising Out of PS.Case No. -197 Year- 2013 Thana -ATRI District- GAYA

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Birendra Choudhary Son of Late Bhola Choudhary, Resident of Village-
Teusa, Police Station - Atri, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Dhirendra Pratap Singh

For the Opposite Party/s : Mr. Meena Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 31-03-2015 Heard both sides.

The petitioner seeks bail in Atri P.S. Case No. 197/2013 registered for the offence under Section 302 and other sections of the Indian Penal Code.

The informant alleged that the petitioner took his brother, Sarjun Prasad in his house for drinking liquor, but his brother did not return. During the course of search, the dead-body of his brother was found.

It is submitted that there is no eye-witness of the occurrence. Only evidence is against the petitioner that he is the last person seen with the deceased. Paragraph 108 of the case diary shows that the petitioner and the deceased took wine at the residence of Munna Choudhary along with others, but nobody saw

the petitioner mixing poison in the wine of the deceased. The petitioner is in jail since 13.11.2014.

On perusal of the record, it appears that the petitioner took Sarjun Prasad in the evening, but when he did not return his brother made search and dead body of Sarjun Prasad was found on the same day, as the FIR was lodged at about 11.00 p.m. in the night.

From the Viscera report, it appears that Aluminum Phosphate (Sulphas) was found in the body of the deceased and on account of such he died.

Considering the facts that the petitioner and the deceased took wine and immediately thereafter, the deceased died, I am not inclined to enlarge the petitioner on bail. Accordingly the same is rejected.

The trial court is directed to expedite the trial and conclude the same within a year from the date of receipt/production of a copy of this order, if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail firstly in the trial court.

(Prabhat Kumar Jha, J)

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