

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34432 of 2014

Arising Out of PS.Case No. -69 Year- 2011 Thana -PALANWA District- EAST CHAMPARAN
(MOTIHARI)

1. Rambalak Sah, S/o Late Harishankar Sah
2. Atma Mahto, S/o Late Vindhyachal Mahto,
Both R/o Pipariya, P.S. Palanawa (Bhelahi O.P), District - East
Champaran .

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

With

Criminal Miscellaneous No.44645 of 2014

Arising Out of PS.Case No. -69 Year- 2011 Thana -PALANWA District- EAST CHAMPARAN
(MOTIHARI)

1. Dewanti Devi, wife of Maya Sah, Resident of Village - Pipariya, Police
Station - Palanwa, District - East Champaran
2. Chandeshwar Sah @ Motichand Sah, Son of Late Muni Lal Sah,
Resident of Village - Laukariya, Police Station - Palanwa, District - East
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

(In Cr. Misc. No.34432 of 2014)

For the Petitioner/s : Mr. Patanjali Rishi, Advocate.

For the Opposite Party/s : Mr. (APP).

(In Cr. Misc. No.44645 of 2014)

For the Petitioner/s : Mr. Sanjay Kumar No. 7, Advocate.

For the Opposite Party/s : Mr. B.N. Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 28-01-2015 Since both Cr. Misc. No. 34432/2014 and Cr. Misc.

No. 44645/2014 arise out of Palanwa P.S. Case No. 69 of 2011,

they are being disposed of by this common order.

Heard both sides.

The petitioners seek regular bail in the aforesaid case registered under Sections 328, 302 & 34 of the Indian Penal Code.

Zahir Mian, the informant, named all the four petitioners and alleged that they called the informant and others to compromise the case lodged by the daughter of the informant under Section 376 of the Indian Penal code. On such request, the wife and the daughter of the informant went to the house of the petitioners along with Devanti Devi, Ram Balak Sah, Atma Mahto and Maya Sah. It is further alleged that they offered tea and biscuits. Consequently, the daughter of the informant died.

Learned counsel for the petitioners submits that the informant disclosed in the F.I.R. that Ram Balak Sah, Atma Mahto, Maya Sah and Devanti Devi came to call his wife and daughter, but later on, the informant disclosed that his wife and daughter went along with Ram Balak Sah, Devanti Devi, and Atma Mahto and Maya Sah was there from before. It is further submitted that there is no evidence to show as to who offered poisonous substance to the deceased. It has also come that the petitioners took biscuits and tea along with the deceased. It is also submitted that one of the petitioners in Cr. Misc. No. 44645/2014, namely, Dewanti Devi is a lady. She is a school teacher. Hence,

they be enlarged on bail.

On the other hand, learned A.P.P. has vehemently opposed the prayer for bail.

On perusal of the records, it appears that the petitioners went to call the wife and the daughter of the informant for settlement of the case lodged by the daughter of the informant under Section 376 I.P.C. When the wife and the daughter of the informant came to the house of the petitioners, they offered them biscuits and tea. The mother of the deceased did not take biscuits and tea as she was on fasting. After taking biscuits and tea, the daughter of the informant came to her house, but her condition started deteriorating and ultimately she died. It has been pointed out that immediately after lodging of the case, the informant and his wife have met for settlement but from perusal of the forensic report it appears that the daughter of the informant died of poisoning

Considering the fact that the petitioners were pressurizing the informant to withdraw the case, and on refusal to do so, the petitioners mixed poisonous substance in the tea, consequently, the daughter of the informant died; hence I am not inclined to enlarge the petitioners on bail in Palanwa P.S. Case No. 69 of 2011 at this stage. Accordingly, the same is rejected.

The court below is directed to expedite the trial and conclude the same within a period of nine months from the date of receipt / production of this order. If the trial is not concluded within the above stipulated period, the petitioners may renew the prayer for bail firstly in the trial court itself.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--