

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4102 of 2015

Arising Out of PS.Case No. -91 Year- 2014 Thana -BANMANKHI District- PURNIA

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Lalita Devi @ Ranju Devi Wife of Rajendra Mandal, Resident of Village -
Dewtar, P.S. - Banmankhi, District - Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-03-2015

Heard both sides.

The petitioner seeks bail in a case under Sections
328/302 of the Indian Penal Code.

The wife of the deceased made allegation that some
quarrel took place for a thatched wall and thereafter the petitioner
offered a cup of tea to Santosh Mandal, who after taking tea,
started vomiting and died.

Sri Ajit Kumar Singh, learned counsel for the
petitioner, submits that admittedly the deceased had quarreled with
the petitioner, who happens to be the step-mother of the deceased,
but it is quite improbable that even after quarreling, the deceased
took tea offered by the petitioner. There is no other eye witness of
the occurrence. Even the informant has not seen the petitioner
offering tea.

It appears from perusal of the record that the informant has made a very specific allegation that it was the petitioner, who offered a cup of tea to Santosh Mandal, the husband of the informant, and Santosh Mandal, immediately after having taken tea, profusely vomited and died. On perusal of the F.S.L. report, it appears that the deceased died due to poisoning of Aluminium Phosphide (Celphos).

Having considered the fact that it was the petitioner, who offered tea mixed with poison to the deceased, I am not inclined to enlarge the petitioner on bail in S. T. No. 1081/2014, arising out of Banmankhi P.S. Case No. 91/2014. Accordingly, the same is rejected.

However, the trial court is directed to expedite the trial and conclude the same within one year from the date of receipt / production of this order.

If the trial is not concluded within the stipulated period, the petitioner may renew her prayer for bail firstly in the trial court itself.

(Prabhat Kumar Jha, J)

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