

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8467 of 2015

Arising Out of PS.Case No. -1710 Year- 2011 Thana -COMPLAINT CASE District- JAMUI

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1. Sanjay Singh @ Rana Sanjay
2. Shambhu Singh @ Shambhu Sharan Singh both sons of Late Dinesh Singh resident of village - Malaypur, P.S. Barhat (Malaypur), District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-04-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

It is alleged that on the order of co-accused Ramesh to administer poison to the father of the informant, petitioners and one Sakti Singh caught hold of the hands and legs of the father of the informant when Shiv Kumar Singh forcibly administered poison to him.

It is submitted by learned Sr. Counsel for the petitioners that admittedly as per the fardbeyan, the informant is not the eye-witness to the occurrence. He narrated the prosecution case as conveyed by the victim to him. The postmortem report does not



reflect any injury. The F.S.L report reflects that no metallic, alkaloidal, glycosidal, pesticidal or volatile poison could be detected and on the basis of same, final form was submitted which was accepted but subsequently on protest, cognizance was taken. During investigation, it is further transpired during investigation that the victim was employed as Forest Guard on the basis of forged certificate and subsequently he committed suicide. Moreover, no resisting injury has been found. Considering the materials in the case diary, co-accused Rana Shakti Kumar Singh has been granted anticipatory bail by this Court vide Cr. Misc. No. 20666 of 2014 whereas bail application of Ramesh Prasad Singh has been rejected by this Court vide Cr. Misc. No. 748 of 2015.

It is submitted by learned counsel for the informant that during investigation, it transpired that the viscera was not preserved as per the prescribed norms and it was transmitted to the FSL with delay, hence the investigating agency solely relying on the viscera report submitted final form, though, the witnesses have supported the accusation.

The order dated 02.12.2014 passed in Cr. Misc. No. 20666 of 2014 reflects that the counter affidavit was filed by the State where it was stated that the witnesses have not supported the accusation of administering poison. Paragraph no.5 of the said

order reads as follows:-

“5.Counter affidavit on behalf of the State has been filed stating that not a single witness supported the allegation of administering poison and that the Investigating Officer has disclosed in the case diary that the deceased had committed suicide due to troubles in his own life. It has further been stated that the deceased was a Forest Guard who had obtained service on the basis of forged certificate.

Considering the fact that accusation was not found true during investigation and the viscera report also does not suggest the case of poisoning, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Jamui in connection with Complaint Case No. 1710C of 2011 arising out of Barhat (Malaypur) P.S. Case No. 73 of 2007, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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