

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19594 of 2015

Arising Out of PS.Case No. -238 Year- 2014 Thana -BAUSI District- PURNIA

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1. Md. Shamseer. Son of Hasibul.
 2. Hasibul. Son of Late Saidul.
 3. Azmairun. Wife of Hasibul. Resident of village - Simalbari, P.S.- Baisi, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 25-06-2015 Heard learned counsel for the petitioners, learned counsel for the State as also the learned counsel for the informant.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 304 (B)/34 of the I.P.C.

The daughter of the informant was married with petitioner no.1 five years ago and allegedly on 07.11.2014 the petitioners administered poison resulting the daughter of the informant died. It is also alleged that petitioner no.1 has married with another lady and all the petitioners used to torture the daughter of the informant for dowry.

Submission is of false implication and that against

petitioner nos. 2 and 3 who are father-in-law and mother-in-law there is no specific allegation of committing any overtact. The petitioner no.1 was not present at his house. The deceased was suffering from diseases and due to illness she died, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail.

By order dated 12.05.2015 viscera report was called for which was received in sealed cover and the same was opened and from perusal of F.S.L. report of viscera of the deceased Salmi it reveals that ALUMINIUM PHOSPHIDE was detected which is severe gastro intestinal irritant and highly poisonous.

Office is directed to seal the same properly and to return the same safely.

In the facts and circumstances as stated above, noticing the F.S.L report of viscera of the deceased and finding that she died due to administering poison and as such this Court is not inclined to grant privilege of pre-arrest bail to the petitioners. Accordingly, their such prayer stands rejected in connection with Baisi P.S. Case No. 238 of 2014 pending in the court of C.J.M. Purnea.

(Jitendra Mohan Sharma, J)

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