

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20786 of 2015

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

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1. Rana Shiv Kumar Singh @ Shiv Kumar Singh S/o Late Dinesh Singh
resident of Village Malaypur, P.S. Barhat (Malaypur), Dist.- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shashi Shekhar Singh S/o Late Akhileshwari Prasad Singh resident of
Village- Malaypur (Rauthor Tola) P.S.- Barhat (Malaypur), District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Uma Nath Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a protest cum complaint case in which process has been directed to be issued after cognizance being taken 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, co accused Sakti Singh caught hold of the hands and legs of the father of the informant when this petitioner administered poison to him.

It is submitted by the learned counsel for the petitioner that admittedly as per the fardbeyan, the informant is not 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 does not reflect that any metallic, alkaloidal, glycosidal, pesticidal or volatile poison could be detected and on the basis of the same, final form was submitted which was accepted but subsequently on protest, cognizance was taken. During investigation, it further transpired that the victim was employed as Forest Guard on the basis of forged certificate and subsequently he committed suicide. More over, no resisting injury has been found. Considering the materials in the case diary, co accused Rana Shakti Kumar Singh has been granted anticipatory bail vide Cr. Misc. No. 20666 of 2014 whereas bail application of Ramesh Prasad Singh has been rejected vide Cr. Misc. No. 748 of 2015. The order dated 2.12.2014 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:

“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 petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist 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)

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