

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42495 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -BHORE District- GOPALGANJ

- =====
1. Jai Kishore Sah son of Nichhatar Singh
2. Lilawati Devi, Wife of Nichhatar Sah Both resident of Village- Banakata
Mal, P.S.- Bhore, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Mishra

For the Opposite Party/s : Mr. P.K.Choursiya(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-11-2015 Heard both sides.

The petitioners apprehend their arrest in a case under
Section 302, 328/34 of the Indian Penal Code.

The informant stated that his son was coming from
the house of his maternal uncle and when he reached near the field
of Raja Ram he asked for water. Nichhatar Sah offered a glass full
of water and after taking the water his son became restless and fell
down on the ground. Jai Kishore Sah, petitioner No.1, took the son
of informant for treatment but the doctor refused to treat the boy.
The villagers came but his son died. It is alleged that water mixed
with pesticide was offered to his son.

It is submitted that there is no allegation of offering

water mixed with pesticide to the deceased against the petitioners.

Petitioner No.1 took the son of the informant before the doctor and petitioner No.2 was standing there. Nichhatar Sah offered the water mixed with pesticide.

Considering the facts aforesaid and the fact that there is no allegation against the petitioners of offering the water mixed with pesticide, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ashish Mishra, learned Judicial Magistrate, 1st class, Gopalganj in Bhore P.S. Case No. 91 of 2015, G. R. No. 1254/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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