

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31799 of 2014

Arising Out of PS.Case No. -171 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

=====

1. Nilabhra Ganguli @ Nilabhra Chandra Ganguli S/o Nikunj Chandra Ganguli
2. Smt. Munmun Ganguli W/o Nilabhra Ganguli @ Nilabhra Chandra Ganguli Both are Resident of Mohalla Bari - Khanjarpur, P.S. Barari, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Indu Kumari Srivastav (App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

9 01-07-2015 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P.

The petitioner No. 1 has already been arrested and vide order dated 06.08.2014, learned counsel for the petitioners have sought permission to withdraw this application with respect to petitioner No. 2, which was accorded.

So far as petitioner no. 2, who is wife of the petitioner No. 1 Nilabhra Ganguli @ Nilabhra Chandra Ganguli , apprehends her arrest in connection with Kotwali (Barari) P.S.Case No. 171/2014 dated 15.03.2014 under sections 302/34 of the I.P.C. pending in the Court of learned Chief Judicial

Magistrate, Bhagalpur.

The prosecution case, on the basis of the First Information Report, has been lodged by the informant Madhumita Benerjee alleging therein that she is the sister of petitioner No. 1 Nilabhra Ganguli @ Nilabhra Chandra Ganguli and both petitioners, her brother and sister –in-law, have killed her mother and they have tried to kill her father and were trying to cremate the dead body of her mother in order to conceal the evidence.

The statement of solitary injured i.e. the husband of the deceased has been recorded which is at para-4 of the supplementary case diary dated 29-10-2014, who has supported the case of the informant. This Court had called for the Viscera report vide order dated 03.02.2015 from the Court of learned Chief Judicial Magistrate, Bhagalpur. The Viscera report has been received in the sealed cover vide memo No. 1465 dated 29.05.2015 which was sent by the Director, Forensic Science Laboratory, Bihar, Patna.

The Viscera report received from the office of the Director, Forensic Science Laboratory, Bihar, Patna has given the result of examination , which is as follows:-

“ALUMINIUM PHOSPHIDE was detected



in the contents of glass jar as described above. Aluminum Phosphide commercially known as CELPHOS is a severe gastro intestinal irritant. It is used as a grain preservative and is highly poisonous.”

From the plain reading of the result of the examination of the viscera report, it appears that poison has been administered on the body of the deceased, as such, I am not inclined to enlarge the petitioner on anticipatory bail. The application of the petitioner is hereby rejected.

Let this Viscera report be sent by Special Messenger to the Court of learned Chief Judicial Magistrate, Bhagalpur for further action.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--