

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37148 of 2014

Arising Out of PS.Case No. -108 Year- 2014 Thana -KATORIA District- BANKA

Bhushan Das & Ors

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44793 of 2014

Arising Out of PS.Case No. -108 Year- 2014 Thana -KATORIA District- BANKA

1. Ajay Das Son of Bhushan Das resident of village- supaha, P.S.- Katoria,
District- Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.37148 of 2014)

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Shyam Kumar Singh(App)

(In Cr.Misc. No.44793 of 2014)

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Madhuri Lata(App)

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

5 09-07-2015 None appears on behalf of the petitioners. Shri Lalan
Kumar, learned A.P.P. appearing on behalf of the State.

The solitary petitioner Ajay Das of one petitioner is
the husband of the deceased. Other petitioners of the other petition
are in-laws as per the description of the array of the accused made
by learned Sessions Judge, Bhagalpur in his order dated
08.07.2014 in ABP No.1220 of 2014.



The allegation against the petitioners was that after the deceased Dibya Bharti was married to petitioner Ajay Das, they were pestering her to bring Rs.50,000/- and on account of not getting the demand fulfilled, were illtreating and torturing her so much so that the informant had to convene a *Panchayati* as well. It was, lastly, alleged that on 14.03.2014 they killed the lady and threw her dead body into the water of a well.

It does not appear disputed that the dead body was recovered from the well and further that no external or internal injury was found by the doctor holding postmortem examination as a result of which he preserved the part of different viscera which appears analyzing by the Forensic Science Laboratory, Patna. The Court has received the copy of the report submitted by the FSL, Patna in connection with Katoria P.S.Case No.108 of 2014. The viscera was found containing aluminium phosphide which was highly poisonous grain preservative.

While dismissing the bail petition of four petitioners of Cr.Misc.Petition No.37148 of 2014, the learned Sessions Judge, Banka has directed them to surrender in the court below within two weeks and pray for regular bail which was expected to be considered by the court below as per law. The prayer for bail of petitioner Ajay Das was dismissed with the similar direction to

him.

The court has not been assisted by the counsel whose name's appear in the petition but in spite of that what this Court finds is that the informant had subsequently filed a petition in the court below pointing out to it that he had verified the facts and had come to the conclusion that his daughter had not been killed rather she committed suicide. This Court is also of the opinion that aluminium phosphide which is marketed as celphos is highly odorous substance and that could not be administered to an unwilling person and it is generally used in committing suicide by persons and the petition of the informant that his daughter had committed suicide must not be brushed aside.

With that observation, I direct the court below to consider the regular prayer for bail of the petitioners as soon as they surrender before CJM, Banka in the above noted case.

With the above observation, the two petitions stand disposed of.

Let the copy of the Forensic Science Report, Patna be sent back to the Laboratory under sealed cover immediately.

(Dharnidhar Jha, J)

B.Kr./-Saif.

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