

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9770 of 2015

Arising Out of PS.Case No. -50 Year- 2013 Thana -BARAULI District-
GOPALGANJ

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Mantu Upadhyay Son of Late Vyas Upadhyay R/o Village Sisai, P.S.
Barauli, District Gopalganj

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-04-2015 Heard both sides.

The petitioner seeks bail in Barauli P.S. Case No. 50 of
2013, registered for the offences punishable under Sections 302,
328 and other Sections of the Indian Penal Code.

The wife of the deceased made allegation that Amit
Upadhyay took her husband on the pretext that his father is
calling. When her husband came, he disclosed the name of the
petitioner Amit Upadhyay, Kameshwar Nath Upadhyay, Mantu
Upadhyay and Arun Sah and stated that they all poisoned him that
is why his condition was deteriorated.

Learned counsel for the petitioner submits that two and
half months prior to the offence, the deceased filed informatory
petition stating therein that his wife happens to be sister-in-law of

his own brother. His wife has got illicit relation with the brother of the deceased and the deceased apprehended danger of life from the hands of his wife and brother. The wife herself killed the deceased. There is no eye-witness of the occurrence that the petitioner was also taking wine with the deceased.

On the other hand, learned counsel for the informant as well as learned counsel for the State submitted that almost all the witnesses have stated that the deceased disclosed that he along with petitioner and others took wine and they mixed poison. The FSL report shows that there was phosphorous in the viscera which caused death.

Having considered the facts that the deceased himself disclosed before his death that the petitioner and others mixed poison in the wine of the deceased and consequently the deceased died. During course of investigation almost all the witnesses have stated that the deceased disclosed this fact before them.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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