

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27695 of 2015

Arising Out of PS.Case No. -249 Year- 2014 Thana -PAKARIBARAW District- NAWADA

1. Amitabh Chauhan @ Amit Chauhan Son of Mithelal Chauhan, R/o
Yogibigha,P.S. - Pakribarawan, District -Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s Mr. Nirmala Kumari(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

05/ 07.12.2015 A sealed bag sent by Director, Forensic Science Laboratory, Bihar, Patna was received. The aforesaid sealed bag was opened in presence of all the parties and in the said sealed bag F.S.L Report was found. The F.S.L report says that no metallic, alkaloidal, glycosidal, pesticidal or volatile poison could be detected in the sample examined by chemical examiner.

Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

According to the First Information Report itself, the marriage of the petitioner was solemnized with deceased 10 years ago, but surprisingly enough that in spite of the aforesaid fact, case was not only registered under Section 304(B) of the I.P.C, but also charge sheet was submitted under the above stated section. Moreover, the F.S.L. Report does not support the story of administering of poison to the deceased.

Accordingly, petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the S.D.J.M, Nawada in connection with Pakribarawan (Dhamaul) P.S. Case No. 249/2014.

Office is directed to seal the FSL report again and send it to the concerned court immediately for needful.

Shahid

(Hemant Kumar Srivastava,J)



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