

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48653 of 2015

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

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1. Nichhatar Sah @ Nikshtra Sah Son of Raja Ram Sah 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. Chourasiya (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 07-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bhore P.S.
Case No. 91 of 2015 registered for the offences punishable under
Sections 302, 328/34 of the Indian Penal Code.

Allegedly the petitioner gave a glass of water when the
son of the informant demanded water and after drinking the water,
the condition of son of the informant became serious and he fell
down and then co-accused Jay Kishore Sah brought the son of the
informant for treatment to Mara Deur Market but doctor refused to
treat him and thereafter the son of the informant was brought at
village and pesticides was being sprayed in the field of Raja Ram.
Co-accused Lilawati Devi was also present there.



Submission is of false implication and that the informant is not the eye witness. No eye witness has come forward to say that the petitioner mixed poison with water and only on suspicion the petitioner is suffering in custody since 30.08.2015. During investigation it has come that the deceased was of weak mind vide para 37 of the case diary and he might have taken the water himself from the field. Other co-accused has been allowed pre-arrest bail and, as such, the petitioner also deserves sympathetic consideration.

The learned A.P.P. submits that during investigation it has come that earlier there was some dispute and then the petitioner provided water mixed with poison.

In the facts and circumstances stated above, considering that there is no eye witness, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate 1st Class, Gopalganj arising out of Bhore P.S. Case No. 91 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial

jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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