

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51443 of 2015

Arising Out of PS.Case No. -288 Year- 2014 Thana -DALSINGHSARAI District- SAMASTIPUR

1. Md. Kalam son of Md. Habib, Resident of Village- Banghara Hussain Chowk, Police Station- Ghataho, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha

For the Opposite Party/s : Mr. Smt.Renuka Ratnakar (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

5 14-03-2016

The F.S.L. report received in a sealed cover which is opened in the court room and after perusal it was again kept in envelop.

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 302 and 34 of the I.P.C

Allegedly, the petitioner and other co-accused named in the First Information Report assaulted Md. Kasim, the husband of the informant, and after strangulating killed him.

Submission is of false implication and that the medical evidence does not support the prosecution version, no one has supported during investigation the prosecution version, the deceased was addicted to wine and due to the family dispute he

committed suicide, the informant after realizing the truth has filed compromise petition also, in viscera report Aluminum phosphide was detected which is highly poisonous substance and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Dalsing Sarai, District- Samastipur in Dalsing Sarai P.S. Case No. 288 of 2014, subject to the conditions that one of the bailors must be a 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.

Let the F.S.L. report be returned to the office of the Director, Forensic Science Laboratory, Patna after proper sealing.

(Jitendra Mohan Sharma, J)

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