

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57333 of 2015

Arising Out of PS.Case No. -366 Year- 2009 Thana -KANKARBAGH District- PATNA

1. Nirmal Kumar @ Nirmal Prasad Son of Baijnath Ram Baijnath Prasad
Resident of Mohalla-Sorangpur, Near Devi Asthan, P.s Ram Krishna Nagar,
District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 05-02-2016 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks bail in connection with
Kankarbagh P.S. Case No. 366 of 2009 registered under section
302/34 of the Indian Penal Code.

It is contended that the first information report is
based on hypothetical presumption and wild suspicion. The
informant of the case is not a witness of the occurrence. Even
during investigation, no witness has come forward to say that the
petitioner administered poison to the deceased. Another
contention of the petitioner is that though the case is of the year
2009, viscera report is alleged to have been received some time in

October, 2014.

Learned counsel for the State has opposed the application for bail. He has contended that the viscera report received in 2014 indicates that the victim was poisoned to death.

Be that as it may, regard being had to the facts and circumstances of the case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Kshypranjali, Judicial Magistrate, 1st Class, Patna in connection with Kankarbagh P.S. Case No. 366 of 2009.

(Ashwani Kumar Singh, J)

Amin/-

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