

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17363 of 2016

Arising Out of PS.Case No. -338 Year- 2014 Thana -PANCHRUKHI District- SIWAN

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Virendra Tiwari Son of Dharm Tiwari, R/o Village- Tarwara Tola, P.S.-
G.B. Nagar, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary

For the Opposite Party/s : Mr. Manoj Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 23-11-2016 The F.S.L. report under sealed cover is placed by the

office and the same is opened in presence of all the parties.

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

Petitioner apprehends his arrest in connection with
Pachrukhi (G.B. Nagar) P.S. Case No. 338 of 2014 registered for
the offences punishable under Sections 304(B)/34 of the Indian
Penal Code and Section 34 of D.P. Act.

Petitioner happens to be husband of the deceased and
earlier his prayer for anticipatory bail was rejected by this court
vide order dated 24.07.2015 passed in Cr. Misc. No. 28605 of
2015 giving option to petitioner to surrender before the court
below and seek regular bail within six weeks from the order dated

24.07.2015 but petitioner did not comply with the above stated direction of this court and he chose not to surrender before the court below and he again filed anticipatory bail before this court.

Learned counsel for the petitioner submits that the doctor, who conducted post mortem examination on the corpus of the deceased, did not ascertain the exact cause of death of the deceased and viscera was sent for chemical examination but the F.S.L. report goes to show that no poison was found in the viscera sent for chemical examination and, therefore, the aforesaid fact goes to show that deceased was neither poisoned nor killed by the petitioner as well as his other family members.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands disposed of giving direction to petitioner to surrender before the court of Chief Judicial Magistrate, Siwan/concerned court within four weeks from today and seek regular bail and if he does so, the learned Chief Judicial Magistrate, Siwan/concerned court shall pass appropriate order on the regular bail application of the petitioner on the day of surrender of petitioner itself and after disposal of regular bail petition of the petitioner by the Chief Judicial Magistrate, Siwan/concerned court, if any bail petition is filed before the learned Sessions Judge, Siwan, the learned

Sessions Judge, Siwan shall consider the regular bail application of the petitioner on its own merit without being prejudiced by order of this court, particularly, keeping in mind the finding given by the doctor as well as forensic expert in their respective reports.

The office should return the F.S.L. report to the concerned trial court under sealed envelope for needful.

(Hemant Kumar Srivastava, J)

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