

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44825 of 2016

Arising Out of PS.Case No. -172 Year- 2015 Thana -BANIAPUR District- SARAN

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1. Prabhu Mahto son of Late - Margu Mahto Resident of Village -
Baniyapur Mahuari Tola, Police Station - Baniyapur, District -
Chapra(Saran), Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Roy

For the Opposite Party/s Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 20.12.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections
302/34 and 120B of the Indian Penal Code.

Petitioner happens to be husband of the deceased and it is
admitted position that none has seen the actual killing of the deceased.

In course of investigation, some witnesses stated that the
petitioner came his house in inebriated condition upon which a quarrel
took place between the deceased and the petitioner and in that course,
petitioner pushed the deceased as a result whereof deceased sustained
injury on head. The inquest report goes to show that I.O noticed some
injuries on the neck of the deceased but the post mortem report does
not corroborate the above stated finding of the I.O. because doctor
found only bloodstain coming out from nostril and no mark of injury



on the deceased was found. However, FSL report goes to show that ethyl alcohol along with dimethoate was detected in the viscera of the deceased. The aforesaid fact goes to show that deceased died due to consumption of poison.

Moreover, considering the aforesaid facts and circumstances as well as this aspect of the matter that the petitioner is in jail custody since 10.9.2015, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Rakesh Kumar Yadav, Judicial Magistrate, Ist Class, Saran at Chapra/ concerned court in Baniyapur P.S. Case no. 172/2015.

Let FSL report be sent to the concerned court under sealed cover with appropriate information to Director, Forensic Science Laboratory, Muzaffarpur.

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(Hemant Kumar Srivastava,J)

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