

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44543 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -DUMRA District- SITAMARHI

- =====
1. Rampriya Singh Son of Late Ramchandra Singh
 2. Renu Devi Wife of Late Kaushal Kishore Singh Both Resident of Village - Rasalpur, P.S.- Dumra, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh
For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 16-02-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Dumra P.S. Case No. 26 of 2015, registered for offences punishable under Sections 302/34 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

The F.S.L. report which was sought for, has been received in the Court in the sealed cover and has been opened in my presence.

Learned senior counsel appearing on behalf of the petitioners submits that the present case is not the case under

Section 304(B) and, therefore, any presumption which is attached with this case has to be dispelled with. It is further submitted that there is no direct allegation against the petitioner and also there is no eyewitness to the said occurrence. He further submits that the husband of the deceased has not been made accused in the present case.

Learned counsel appearing on behalf of the State after referring to the postmortem report submits that certain external injuries have been found on the neck of the deceased by the doctor but the concerned doctor making the postmortem reserved his opinion and has awaited the report from the F.S.L. laboratory, where the samples of the Viscera was sent.

From perusal of the F.S.L. report dated 10.02.2016, contained in Memo No. 45/GO, it appears that the samples i.e. A, B, C, D, E, and F, which were sent to the laboratory containing the Viscera of the deceased Munni Devi, wife of Sushil Singh contained DIMETHOATE, which is an Organo-Phosphorous Pesticide, commonly used in agriculture for killing pests and is poisonous. In the sample marked as 'G' it has been indicated in the F.S.L. report that the said contained some colorless solution of sodium chloride and not having any type of poison.

Considering the nature of allegations and the findings in

the F.S.L. report and all material which has surfaced in the case diary, I am not inclined to grant the privilege of anticipatory bail to the petitioners. It is accordingly rejected.

Annexure -2, has been referred by the learned senior counsel appearing on behalf of the petitioners, which is an application made by the informant that he does not want to press this case any further. However considering the nature of case, it is not compoundable and this Court feels that it is not necessary to take notice of the same.

The F.S.L. report is directed to be sent to the Court below for further appropriate action.

(Anjana Mishra, J)

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