

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13618 of 2016

Arising Out of PS.Case No. -87 Year- 2015 Thana -KISHUNPUR District- SUPAUL

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1. Lal Babu Sah @ Babu Lal Sah Son of Bhikhari Sah @ Bhikho Sah,
resident of village- Singhiawan, P.S.- Kisanpur, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : MrArun

For the Opposite Party/s : Mr. Dr.Indiwar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 11-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Kisanpur
P.S. Case No. 87 of 2015, G.R. No. 926 of 2015 registered for the
offences punishable under Sections 302, 328 and 201/34 of the
Indian Penal Code.

Babita Devi, the niece of the informant, was married to
the petitioner in the year 2010 and allegedly, after marriage the
petitioner and other in-laws used to torture and assault her,
however, she gave birth of two sons and on 24.05.2015 the
petitioner and other in-laws refused her *Bidai* and on 26.5.2015
informant received information that Babita Devi has been
poisoned to death and her dead body was found near Bhumra

river.

Submission is of false implication and that there was cordial relation between the petitioner and his wife, the wife of the petitioner committed suicide and this fact has been stated by witnesses vide para 45 of the case diary, the wife of the petitioner went out of the matrimonial house after leaving her children and her dead body was found near Bhumra river and without any legal and tangible material the petitioner has been implicated resulting he is suffering in custody since 07.06.2015.

The learned A.P.P. seriously opposes the prayer of bail by submitting that the petitioner is the husband, other witnesses have supported the prosecution case and further in para 45 of the case diary, the independent witnesses examined, have also stated that the petitioner and mother-in-law always used to quarrel with her, resulting she consumed poison and the petitioner and other in-laws threw the dead body. In Forensic Science Laboratory Report also Aluminium Phosphide was detected which was highly poisonous.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, is directed to be released on

bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Supaul in connection with Kisanpur P.S. Case No. 87 of 2015 subject to the conditions that one of the bailors must be 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.

(Jitendra Mohan Sharma, J)

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