

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3506 of 2016

Arising Out of PS.Case No. -211 Year- 2015 Thana -PALASI District- ARRARIA

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1. Rajendra Manjhi S/o Late Shivjinand Manjhi resident of Village -
Dhangama, P.S. Palasi District Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Anil Kr.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 21-06-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 302/34
of the Indian Penal Code.

Diary in the present case was called for alongwith Forensic
Science Laboratory report from the Director, Forensic Science
Laboratory, Patna which have since been received.

Learned counsel for the petitioner submits that there was no
reason as to why the petitioner being the husband be prosecuted as
it has come on record all through the case diary that the petitioner
was not present on the date of the occurrence. It is submitted that
the grown up daughter of the deceased who is aged about 12 years
has stated before the Police that she had given her mother the
food, both of them ate and then they went to sleep. However, after

sometime, her mother became restless, her neck stiffened and she became unconscious and, thereafter, she was taken to the hospital where she was declared dead.

Learned counsel appearing on behalf of the State submits that save and except the allegations that there was an illicit relationship between the petitioner and one Soni Devi, there is no further cogent material in the case diary to implicate the petitioner. Furthermore, all through the case diary, it has come that the lady in question had died at a time when her husband was not present in the house and that the children have stated that she had suddenly become sick and had finally died.

A report from the Forensic Science Laboratory, Patna with regard to the viscera of the deceased lady also reveals that there is no element of poisoning.

In view of the aforementioned facts and circumstances, the peculiar nature of the occurrence and that there being no further cogent material in the case diary to support the allegations against the petitioner, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Araria in connection with

Palasi P.S. Case No. 211/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

Let the viscera report received from the Forensic Science Laboratory, Patna be returned to the Court below duly sealed at the earliest.

(Anjana Mishra, J)

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