

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22915 of 2016

Arising Out of PS.Case No. -454 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Manju Ram S/o Late Jhapasi Ram, R/o Village - Pulwaria, P.S. - Sugauli,
Distt. - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gopesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 05-10-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Sugauli P.S. case No.454 of 2015 instituted for the offence under Sections 302, 120B/34 and 328 of the Indian Penal Code, pending in the court of learned Chief Judicial Magistrate, Sadar, Motihari, East Champaran.

The allegation is that the accused persons including the petitioner have pressurized the father of the informant to take drink and thereafter scum was ousted from his mouth. Then the informant had taken his father to the Hospital, where the doctor declared his father dead.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.01.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Except for suspicion there

is no other material against the petitioner. There is no external or internal injury on the body of the deceased.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and the accused persons including the petitioner had taken the deceased for having liquor and in the liquor poison was put, which led to the death of the deceased. F.S.L. report also supports the allegations made by the prosecution. The F.S.L. report is as follows :

“Ethyl Alcohol is the main intoxicating ingredient of all alcoholic beverages where as Aluminium Phosphide commercially known as ‘CELPHOS’ is a severe gastro intestinal irritant. It is used as a grain preservative and is highly poisonous”.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Court below is directed to take all necessary steps to expedite the trial.

Let the F.S.L. report be returned to the Director, Forensic Science Laboratory, Bihar, Patna under the sealed cover.

(Sudhir Singh, J)

Narendra/-

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