

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50259 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -FATEHPUR District- GAYA

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1. C.P. Singh S/o Sukhdeo Singh, resident of Village- Icha, P.S.- Fatehpur,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 02-03-2016 Heard the learned counsel for the petitioner as well as
the learned Special P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under section 302/34 of the I.P.C and section 3 (2) (V)
of the SC/ST (POA) Act.

Allegedly, Ramanand Paswan, the husband of the
informant, took drink with the petitioner and Shrawan Paswan and
thereafter his condition started deteriorating, the husband of the
informant stated that the petitioner and Shrawan Paswan were
providing wine in his glass and he was dropped by the petitioner
from the motorcycle at his house. After some time the husband of
the informant died.

Submission is of false implication and that the



husband of the informant took excessive drink resulting his condition deteriorated and later on in absence of proper treatment he died which is evident from the fardbeyan itself, there is no eye witness of the occurrence and further there was no motive for committing murder of husband of the informant, in the postmortem examination report no external or mechanical injury has been found on the body of the deceased, though visceras were preserved but were not sent to the Forensic Science Laboratory for chemical test and without any cogent and legal material charge sheet has been submitted resulting the petitioner is suffering in custody since 10.08.2015.

The learned Special P.P. opposes prayer for bail by submitting that the petitioner took away the deceased and he was provided wine which appears to be poisonous.

In the facts and circumstances as stated above, considering that in the postmortem examination no external or mechanical injury has been found on the person of the deceased, without the Forensic Science Laboratory report charge sheet has been submitted and as such considering detention of the petitioner he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Gaya in Fatehpur P.S. Case No. 33 of

2015, subject to the conditions that one of the bailors must be a 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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