

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38375 of 2015

Arising Out of PS.Case No. -139 Year- 2014 Thana -SAHKUND District- BHAGALPUR

Sanjib Das, son of Sri Bishundeo Das, Resident of Village- Amba, P.S.
Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha

For the Opposite Party/s : Mr. Manoj Kumar (App)

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

ORAL ORDER

4 13-01-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 328, 302 and 34 of the I.P.C

Meena Devi, the daughter of the informant, was
married with the petitioner fifteen years ago and out of wedlock
there are two sons and one daughter and allegedly the petitioner
and other in-laws had killed Meena Devi after administering
poison.

Submission is of false implication and that there is no
witness to say that the petitioner and his family members
administered poison to Meena Devi, during investigation the
witnesses vide paragraphs- 5, 6, 7 and 8 of the case diary have
stated that the petitioner was residing at Delhi to earn his



livelihood and when he returned he came to know that Meena Devi has developed illicit relationship with Mantu Das for which there was some altercation and Meena Devi consumed poison herself and she was being brought for treatment by the petitioner but in the way she died. The doctor has not found any external injury on the person of the deceased and in the Forensic Science Laboratory report aluminum phosphate was detected which is commonly known as sulphas and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 06.04.2015 having no criminal antecedent, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is the husband.

In the facts and circumstances as stated above, considering the statements of the witnesses, namely, Ram Bilash Das, Rajendra Das and Kishun Das that the deceased consumed poison herself, the petitioner 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 S.D.J.M. Bhagalpur in Shahkund P.S. Case No. 139 of 2014, 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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