

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21913 of 2017

Arising Out of PS.Case No. -222 Year- 2012 Thana -PARWATTA District- KHAGARIA

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1. Mantu Rai @ Saurav Kumar S/o late Pashupati Rai aged about 35 Years
R/o Khajraitha, P.S.- Parbatta (Sharat Khand), Distt- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 28-06-2017 Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Parbatta P.S.Case No.222 of 2012 , registered for offences punishable under Sections 406, 302 & 201/34 of the Indian Penal Code.

The petitioner is not named in the F.I.R. and later on it appears that his name transpired during the course of investigation of the case.

It is submitted on behalf of the learned counsel for the petitioner that at best it appears from the case diary that the deceased has consumed poison, however, there is no any witness stating that either the petitioner or his sister administered poison to the deceased as the petitioner was not present at the village at that



time and he was at Purnea , as such except suspicion, there is nothing against the petitioner.

Heard learned A.P.P. also, who has opposed the prayer for bail stating that earlier an F.I.R. had been lodged by the sister of the petitioner making false allegation against the other accused persons but later on from perusal of para 220 and 208 it appears that witnesses have stated that the deceased had come to her '*Sasural*' for treatment and he died . The Viscera report also shows that Aluminium Phosphide has been found in his body. It has also been submitted that apart from the fact it has com that there is dispute between the sister of the petitioner and the deceased and the petitioner used to threaten the deceased, as such there is allegation against the petitioner in this case and hence he does not deserve bail.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner, however the learned trial court is directed to expedite the trial of the petitioner.

It is also submitted that his sister has died and he has prayed for provisional bail. In view of the above, let the petitioner file a petition before the learned court below for provisional bail on the above ground, which will be considered by the court below itself



without being prejudiced by the order of this Court.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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