

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.502 of 2017**

Arising Out of PS.Case No. -428 Year- 2015 Thana -BIHARSHARIF District- NALANDA  
(BIHARSHARIFF)

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1. Mantu Kumar, son of Late Arvind Chaudhary, Resident of Village -  
Uprawan, P.S. - Bihar, Distt - Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Mukesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      02-03-2017                      The petitioner is in custody since 08.11.2016 in  
connection with Bihar P.S. Case No. 428 of 2015, registered for  
offences punishable under Sections 328, 302 and 34 of the Indian  
Penal Code.

It has been submitted on behalf of the petitioner that  
allegation against him is that he along with other accused persons  
called the deceased and took him to the petitioners house, where  
the deceased consumed wine and started vomiting and later on he  
died and except that there is nothing against the petitioner. it has  
further been submitted there was no intention of the petitioner to  
kill the petitioner by mixing poison in the wine as a matter of fact  
the deceased died due to his kidney ailment. It has also been  
submitted that other accused persons have already been granted  
bail and the petitioner has been languishing in judicial custody  
since 08.11.2016.

Heard learned A.P.P. also.



Having heard both sides, from perusal of the F.I.R, it appears that it was the petitioner who called the deceased and took him to his house and offered him wine due to which he started vomiting and alter on died. Earlier in this case, Viscera report of the deceased was called for from the Director, Forensic Science Laboratory, Patna, which has been received and the result of the examination shows that *“Ethyl Alcohol along with Aluminium Phosphide was detected. Ethyl Alcohol is the chief intoxicating ingredient of all alcoholic beverages where as Aluminium Phosphide is commercially known as ‘Celphos’ is a sever gastro intestinal irritant and it is used as a grain preservative and is highly poisonous”*.

In view of the above, I am not inclined to grant the petitioner, the privilege of regular bail, it is accordingly rejected.

However, the trial court is directed to expedite the trial and try to conclude it within a period of one year and if the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail in the court below itself, which will be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

**(Vinod Kumar Sinha, J)**

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