

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53819 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -PATHAMARI District- KISANGANJ

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1. Noor Mohammad S/o Rahimuddin Resident of Telibhitta, P.S.-
Pathamari, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Adv. Mr. Diwakar Sinha, Adv
For the Opposite Party/s	:	Mr. Sri Ram Bachan Singh
Opposite party no. 2	:	Mr. Vijay Kumar Mr. Rajnish Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-01-2017 The petitioner is in custody since 24.09.2016 in connection with Pathamari P.S. Case No. 05 of 2016, registered for offences punishable under Sections 341, 323, 447, 328, 504, 506 and 302/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that though there is allegation against the petitioner that he administered poison to the deceased, but the F.I.R., itself shows there is no eyewitness of the occurrence and also during the course of investigation, some witnesses were examined, who also has not supported the story of administering poison to the deceased rather they have only stated that the petitioner forcibly entered the house of the deceased and assaulted her. The petitioner has been



languishing in judicial custody since 24.09.2016.

Heard learned A.P.P. for the State and learned counsel for the Informant. Learned counsel for the informant has drawn the attention of this Court to the statement made by the daughter of the deceased in para 8 of the case diary in which, daughter of the deceased, who appears to be an eyewitness of the case, has clearly stated that the petitioner has assaulted the deceased and, thereafter, administered poison to her.

Having heard both sides, considering the facts and circumstances of the case and the nature of offence, I am not inclined to grant the petitioner, the privilege of regular bail, it is, accordingly, rejected.

However, the petitioner may renew his prayer for bail after framing of charge in this case.

(Vinod Kumar Sinha, J)

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