

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28651 of 2017

Arising Out of PS.Case No. -90 Year- 2016 Thana -KHAIRA District- SARAN

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1. Ashok Bhagat, S/o Chandi Bhagat, a resident of Village- Patedha, P.S.-
Khairah, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 06-09-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is languishing in judicial custody since
01.06.2016 in connection with Khaira P.S.Case No. 90 of 2016
registered for offences punishable under Sections 302 and 328 of
the Indian Penal Code.

The prosecution case as lodged by the informant is
that his niece Rita Devi was married to the petitioner in the year,
2011 and after the marriage, she was tortured by the petitioner
(husband), beaten and was asked to sell the entire parental
property and hand it over to him. It has been stated by the
informant that the father and mother of his niece had died long
back and he had taken care of her. It is alleged that petitioner had



poisoned his niece, who died in the hospital.

It has been submitted by the learned counsel for the petitioner that he is innocent and since his wife has inherited property, there is no cause for him to kill and he had taken her to hospital from where he was arrested. It is submitted that it was the informants' play to grab the share of the deceased he only poisoned her and that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence. It has also been submitted that two children are surviving out of said wedlock, to whom he has to look after.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the prosecution witnesses have supported the prosecution case as is evident from paras 43 and 44 of the case diary.

In this regard the Viscera report of the deceased was called for from the Forensic Science Laboratory, Patna. The said report has been received where the result of the examination of the viscera is that some Organo- phosphorus pesticide which is commonly used in agriculture for killing pests has been found.

Considering the facts and circumstances of the case and materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Khaira P.S.Case



No. 90 of 2016, pending in the court of learned Chief Judicial Magistrate, Saran.

The bail application is accordingly, rejected.

Let, the Viscera report be sent to the learned court below under sealed cover. The petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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