

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29007 of 2017

Arising Out of PS.Case No. -153 Year- 2000 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Chandradeo Yadav Son of Late Kheyali, Resident of Village- Kazi Rasalpur, P.S.- Teghra, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 12-10-2017 Heard learned counsel for the petitioner and learned APP for the State.

The Petitioner seeks regular bail in connection with Dalsingsarai P.S. Case No. 153 of 2000 for offences alleged under Sections 302 and 328 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that her son Lalbabu Yadav was married to daughter of Punit Rai namely Rinki Devi. But '*Bidai*' did not take place and on 15.09.2000 the son (deceased) of the informant went with his uncle (petitioner) for '*Bidai*' of his wife and stayed in the house of his father-in-law, Punit Rai. She got information that her son has been hospitalized and found that he was vomiting and was informed that the petitioner had given poison to the deceased.

It has been submitted by the learned counsel for the petitioner that he is innocent and has no criminal history. He submits that he is the uncle of the deceased and he has been falsely implicated only on the basis of suspicion as he had gone along with the deceased for '*Bidai*' of the deceased wife. He submits that the police after investigation had submitted final form. But the learned Magistrate has



taken cognizance in view of the statements made by the witnesses. None of the witnesses have seen the petitioner giving poison to the deceased. In this connection the FSL report of the deceased was called for from the Director, Forensic Science Laboratory, Bihar Patna. A letter has been received from the Director, Forensic Science Laboratory, Bihar, Patna vide Memo No. 2549 dated 06.10.2017 that no Viscera has been sent for forensic examination as yet. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the witnesses and the petitioner is languishing in judicial custody since 11.04.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Dalsingsarai, in connection with Dalsingsarai P.S. Case No. 153 of 2000, subject to the following conditions

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner

2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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