

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32398 of 2018

Arising Out of PS.Case No. -173 Year- 2017 Thana -RIGA District- SITAMARHI

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1. BABLOO KUMAR @ BABLOO RAI son of Bechan Ray, resident of
Village- Panchhor, P.S.- Riga, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 25-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 03.01.2018
in connection with Riga P.S. Case No. 173 of 2017 registered for
the offences punishable under Sections 302 and 328 of the Indian
Penal Code.

The allegation against the petitioner is that he had
taken the deceased to Majorganj and on his return, the deceased felt
uneasiness and had told his wife that the petitioner had mixed
something in his drink as he had been fed by the petitioner chicken
and some toddy and, thereafter, the husband of the informant died
during the course of the treatment. The post-mortem has been
conducted. Learned counsel for the petitioner, however, submits
that, save and except the suspicion, there is no material in the case



diary to implicate the petitioner. It is also submitted that the wife/informant had love affair with some person and, therefore, to cover up her own mischief she has falsely implicated the petitioner.

Diary in the present case was called for which has since been received.

Learned counsel for the State after perusal of the case diary has pointed out to the some paragraphs of the case dairy, particularly, the statement of the wife, mother and the sister, who have all supported the prosecution story.

The Doctor conducting the post-mortem examination had preserved the Viscera and sent it to the Forensic Science Laboratory which has now sent its report stating that the samples so sent from the Doctor shows that the thimet along with ethyl alcohol was present in dark brown fluid which was sent for examination. It is, thus, clearly a case of poisoning and the allegation attributed to the petitioner cannot be ruled out.

Under the said facts and circumstances and the material which has come in the case diary and the report of the Forensic Science Laboratory, I am not inclined to grant bail to this petitioner.

It is accordingly rejected.



Let the viscera report be sent to the Court below in
sealed cover.

(Anjana Mishra, J)

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