

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4990 of 2018

Arising Out of PS.Case No. -115 Year- 2013 Thana -SUPAUL District- SUPAUL

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1. Hemant Roy, S/o Raghunath Roy,
2. Arun Mandal @ Arun Mahto S/o Rajo Mandal @ Rajendra Mahto,
3. Nago Roy @ Nageshwar Roy S/o Raghunath Roy,
4. Siyasharan Mahto @ Siyacharan Mahto S/o Gulli Mahto,
5. Tapeswar Roy S/o Raghunath Roy, All are R/o Village- Parsauni Bakaur, P.S.- Supaul, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 01-02-2018 Heard the learned counsel for the petitioner, learned Additional P.P. as well as learned counsel for the informant.

The petitioner apprehend their arrest in Supaul P.S. Case No.115 of 2013 (G.R. No.421/2013) registered under Sections 302, 328/120B of the Indian Penal Code.

The informant alleged that her husband after receiving a call on his mobile from Hemant Rai, petitioner No.1, went outside her house and after some times she saw that Hemant Rai, Arun Mandal, Nago Rai, Siyasharan Mahto and others brought her husband and dropped him near her house. On enquiry, her husband disclosed that the accused persons mixed poison with



wine and forced the husband of the informant to return his house..

The learned counsel for the petitioner submits that after institution of the case, the police took certain articles of the deceased along with the dead body and sent to FSL. The FSL found no poisonous substance in the body of the deceased. The police after investigation submitted final form, however the learned Court below differing with findings of the investigating officer took cognizance under Section 304 and 120 B of the IPC.

The learned counsel for the petitioner further submitted that there is absolutely no evidence except the allegation made by the wife of the deceased. The allegation itself remained uncorroborated and the FSL report does not support the allegation of poisoning of the husband of informant to death.

The learned counsel for the informant and learned Additional P.P. however, vehemently opposed the prayer for anticipatory bail and submitted that the learned Judicial Magistrate found sufficient material to take cognizance under Section 304 and 120B of the IPC.

Having considered the aforesaid facts and the fact that allegation made by the wife of the deceased remained uncorroborated and even FSL report does not corroborate the allegation that the deceased was poisoned to death, the petitioners,



above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt / production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul in connection with Supaul P.S. Case No.115 of 2013 (G.R. No.421/2013), subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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