

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1993 of 2018

Arising Out of PS.Case No. -149 Year- 2017 Thana -PHULWARIA District- GOPALGANJ

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1. Aditya Rai, Son of Kamalesh Rai, resident of Village- Manjha
Kandhawaria, P.S.- Phulwaria, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A. K. Thakur, Adv.
Mr. Tuhin Shankar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 25-04-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201, 328 and 120B of the
Indian Penal Code.

Krishna Shahi, the brother of the informant along
with others had gone to the house of this petitioner to attend some
family function. Thereafter dead body of Krishna Shahi was found
from a well. The FSL report reveals that the Doctor found Ethyle
Alcohol mixed with Cellphos in the viscera.

During investigation, it surfaced that deceased
had affairs with the elder sister of the petitioner. However,
deceased married with some other lady and thereafter elder sister
of the petitioner was also married somewhere else. Then the



deceased developed relationship with younger sister of the petitioner and the younger sister in her statement under Section 164 Cr.P.C. stated before the police that, in fact, the petitioner had mixed some poison in the food served to Krishna Shahi as a result whereof Krishan Shahi started feeling unwell and when he went out side, she does not know what happened. However, the petitioner confessed that he had thrown Krishan Shahi into the well. Petitioner is in custody since 20.07.2017.

Submission of the learned counsel for the petitioner is that confession before the police is no evidence. The only material against the petitioner is statement of the younger sister of the petitioner under Section 164 Cr.P.C. The investigation of the case is already complete and the petitioner is ready to cooperate with the trial.

Learned counsel for the informant as well as the State opposed the prayer for bail on the basis of material aforesaid.

Considering the facts of the case above as well as considering the period already undergone by the petitioner, let the petitioner, above named, be released on bail **if the trial is not concluded within a period of six months from the date of receipt/production of a copy of this order by the learned court below** on furnishing bail bond of Rs.20,000/- (Rupees Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Fulwaria Police Station Case No. 149 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

The learned trial court is directed to expedite the trial and conclude the same without giving any unnecessary adjournment to any of the parties at the earliest.

Let the FSL report be returned back in sealed cover so that the same may be sent to the trial court at the earliest.

(Birendra Kumar, J)

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