

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20814 of 2018

Arising Out of PS.Case No. -216 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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1. Subesh Yadav S/o Narsingh Yadav, R/o Village- Rauta Khem, P.S.- Saur Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 12-09-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Bakhtiarpur P.S.Case no.216 of 2017 , registered for offences punishable under Sections 304B, 326, 34 of the Indian Penal Code.

Allegation against the petitioner as per FIR is that the case is under Section 498A of the Indian Penal Code against the petitioner and the other accused persons. The deceased was living with her grand father and it is further alleged that the deceased came to her *Maike* and thereafter they administered poison to her due to which she died.

Submission of the learned counsel for the petitioner is that para 16 of the case diary clearly shows that the deceased herself took some medicine due to that she became serious and died.

Heard learned A.P.P. also and call for the F.S.L. report



which shows that no metallic, Alkaoidal, Glycosidal, Pesticidal or Volatile poison could be detected in the content of plastic jar.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Bakhtiarpur P.S.Case no.216 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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