

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6477 of 2018

Arising Out of PS.Case No. -76 Year- 2017 Thana -SIDHWARA District- DARBHANGA

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1. Devendra Sahni, Son of Sri Ram Briksha Sahni, Resident of Village-
Kora, Police Station- Singhwara, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Adv.

For the Opposite Party : Mr. Rajendra Prasad Nat, APP 123

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 17-02-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is apprehending arrest in connection
with Singhwara P.S. Case No. 76 of 2017 for offences under
Sections 328 and 302 of the Indian Penal Code.

Vide order, dated 02.02.2018, case diary was called
for.

Learned Additional Public Prosecutor, on behalf of
the State, on perusal of the case diary, has submitted that from the
case diary it does not appear that the petitioner was instrumental in
administering poison to his wife. The statements of the children
under Section 164 of the Criminal Procedure Code also indicate
that the mother has taken poison due to mistake.

Considering the totality of the facts when there is no
material collected by the police during the investigation to
implicate the petitioner that he has any role in administering



poison to the deceased. The conduct of the party is also relevant, since, the petitioner has taken the wife to the Darbhanga Medical College and Hospital for treatment and she died in the Hospital. Thus, from the materials, available on record, the Court has reason to believe that the deceased took poison and the petitioner has not administered poison.

Under the aforesaid facts prima facie the Court is of the view that the petitioner deserves anticipatory bail.

Let the petitioner, above named, in the event of his arrest or surrender, within one month from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Singhwara P.S. Case No. 76 of 2017** to the satisfaction of the **Additional Chief Judicial Magistrate, IV, Darbhanga**, or successor Court, subject to the condition enumerated in Section 438(2) of the Criminal Procedure Code.

(Anil Kumar Upadhyay, J)

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