

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10094 of 2019

Arising Out of PS. Case No.-90 Year-2018 Thana- TARARI District- Bhojpur

1. RAMPATI KAHAR, S/o Late Sampat Kahar
2. Purnmasi Kahar @ Purnwasi Kahar, S/o Rampati Kahar
3. Ajay Kahar, S/o Rampati Kahar, All Residents of village – Bhapatpur (Bhopatpur), P.S - Tarari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 02-05-2019 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code.

Allegation is that petitioners and others served poison to the daughter of the informant as a result whereof she died during course of treatment.

Submission of the learned counsel for the petitioners is that due to love affairs, the victim-girl as well as the boy Akash Kumar consumed poison and it was a chance that the victim died and life of Akash Kumar could be saved during treatment.

Considering the nature of evidence coming during the investigation, the police has submitted charge sheet under Sections 306/34 of the Indian Penal Code. However, there is no material to



substantiate that suicide was result of abettment by the petitioners. Petitioners are in custody since 03.08.2018. Investigation of the case is complete against the petitioners.

Learned counsel for the informant opposed the prayer for bail on the ground that the eyewitnesses submitted that the petitioners and others were seen fleeing after leaving the victim in the orchard from where she was taken to the hospital. Mother of the deceased had stated before the police that there was land dispute between the parties and just to pressurize, the occurrence has been committed.

Considering the conflicting evidence coming during course of investigation, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Tarari Police Station Case No. 90 of 2018, subject to the condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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