

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17994 of 2019**

Arising Out of PS. Case No.-514 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Akbar Miyan @ Akbar Mian, son of Vakil Mian, R/o village- Dhanauti, P.S.-
Siwan Muffasil (Dhanauti O.P), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 15-07-2019 This is an application for grant of anticipatory bail in connection with Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 514 of 2018, disclosing offences under Sections 302, 328, 120B, 34 of IPC.

Allegation as per F.I.R. is that the informant received an information that his brother is ill and on receiving the same, he went there and came to know that petitioner and other accused persons have taken his brother to Rampur (Uttar Pradesh) where they have taken Toddy and one Subash Parti gave some liquor to him and thereafter, his condition deteriorated and the petitioner and one other co-accused person brought him to the village.

Submission of the learned counsel for the petitioner is that in paras 24 and 60 of the case diary, it appears that



petitioner and deceased have taken Toddy and muttan at Rampur, Uttar Pradesh and F.I.R. itself disclosed that it is Subash Parti who has mixed poison in the Taddy. Furthermore, petitioner himself brought him to the village and informed the informant.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, they have opposed the prayer for bail on the ground that in the confessional statement of Atish Ram disclosed that at the instance of Subash Parit, deceased has taken Toddy whereas he was stopped to take the drink.

In this case, the F.S.L. report which has been brought clearly shows that Carbofuran pesticides was mixed with the liquor, which is a highly poisonous.

Having heard both sides, it appears from the F.S.L. report that some poisonous substance has been administered to the deceased but nothing allegation for administering is against other accused, as such, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Siwan, in



connection with Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 514 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

Office is directed to send back the F.S.L. report to the F.S.L. immediately and the F.S.L. is directed to send it to the learned court below at once.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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