

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57367 of 2018

Arising Out of PS. Case No.-102 Year-2016 Thana- RAJEPUR District- East Champaran

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1. Nand Kishor Rai Son of Tahlui Rai,
 2. Nagina Devi Wife of Nand Kishor Rai,
- Both are residents of village- Jhapha Tola Dronpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sunil Kumar No.III, Advocate
For the State	:	Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 14-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 120(B), 328 and 302 of the Indian Penal Code registered in connection with Rajepur P.S. Case No. 102 of 2016.

3. It is submitted that the petitioners, who are brother and Bhabi respectively of the deceased, have been falsely implicated and the accusations are highly improbable and doubtful in nature. It is submitted that the deceased committed suicide by consuming poison following an altercation with her husband at the matrimonial home whereas the petitioners reside in different village. It is submitted that the deceased had been married seven years ago and the accusation that the petitioners had killed her in order to recover *Barat expenses* is not believable. The petitioners claim clean antecedents.

4. Pursuant to the order dated 27.11.2018, report of the Forensic Science Laboratory has been received in sealed cover which has been opened in Court. According to the FSL report, the result of



examination discloses that *Aluminium Phosphide* was detected in dark brown fluid as described above. *Aluminium Phosphide* commercially known as 'Celphos' is a severe gastrointestinal irritant. It is used as grain preservative and is highly poisonous.

5. Perused the case diary and heard learned APP.

6. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar at Motihari, East Champaran in connection with Rajepur P.S. Case No. 102 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 2 will be well represented and petitioner no. 1 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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