

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43016 of 2019

Arising Out of PS. Case No.-63 Year-2017 Thana- BARABAR TOURIST District- Jehanabad

Ashok Mistri, son of Gaya Mistri, resident of Village- Dharaut, P.S.- Barabar
Tourism (Vishunganj O.P.), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-09-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in connection with
Barabar Paryatan (Bishunganj O.P.) P.S Case No. 63 of
2017, dated 18.10.2017 instituted for the offences
under Sections 302/34 of the Indian Penal Code.

It has been alleged by the wife of the deceased
that the petitioner, who stands in special relation to her
husband, took her husband away and tried to administer
poison. When that was not found to be possible, the
deceased was pressurized to consume liquor. When that
also was resisted by the deceased, he is said to have



been assaulted brutally by two of the named accused persons viz. Gaya Mistri and Jodha Mistri. Later, the dead body of the deceased was found.

In the postmortem report, it has been urged, there are no external injuries on the person of the deceased which, according to the petitioner, belies the allegation of brutal assault by two of the accused persons. The viscera report indicates that the deceased died of poisoning. The poison in the viscera was aluminium phosphide which is a common ingredient of celphos tablets.

The learned counsel for the petitioner submits that such aluminium phosphide is also to be found in locally brewed liquor which the deceased was habitual of consuming. It has further been submitted that from the reading of the F.I.R, it would become very apparent that there has been a property dispute between the petitioner and other accused persons as well as the deceased and sometimes prior to the occurrence, there was a minor



dispute with respect to partition of property. It has also been pointed out to this Court that the specific act of assault on the person of the deceased is attributed to two other named accused persons and not the petitioner.

The petitioner is in custody since 18.03.2019.

Regard being had to the aforestated facts, the petitioner, above named is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jehanabad in connection with Barabar Paryatan (Bishunganj O.P.) P.S. Case No. 63 of 2017.

(Ashutosh Kumar, J)

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