

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70861 of 2018

Arising Out of PS. Case No.-78 Year-2017 Thana- DARIYAPUR District- Saran

=====

Santosh Rajak @ Santosh Baitha, Son of Late Bhola Baitha, Resident of Village- Surnath Chak, P.S.- Dariyapur, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar.
2. Jitendra Kumar Baitha, S/O Sri Umesh Rajak, resident of Dadpur, P.S. Maker, District-Saran.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr.Udai Shankar Singh, Advocate.
For the State	:	Mr.Yogendra Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 13-08-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 18.04.2018 in a case for the offence registered under Sections 328 and 304(B)/34 of the IPC.

The prosecution story, in brief, is that the informant has received an information that the victim was suffering from loose motion and vomiting. When the informant and family members came there, they found her to be dead.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence. There is no substantive evidence to suggest the implication of the petitioner in the present case. F.S.L. report was called for from the Director, Regional Forensic Science Laboratory, Bihar, Muzaffarpur, which has been received in sealed cover and opened in the Court. The following is the report of F.S.L.

“ALUMINIUM PHOSPHIDE alongwith ETHYL ALCOHOL was detected in dark brown colour fluid as described above. Aluminium Phosphide commercially known as ‘CELPHOS’ is a severe gastro-intestinal irritant. It is used as a grain preservative and is highly poisonous whereas Ethyl alcohol is the chief intoxicating ingredient of all alcoholic beverages.”

From the F.S.L. report, it appears that the deceased is said to have died due to poison.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is upon him to explain the cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Dariyapur P.S. Case No. 78 of 2017, corresponding to STR No. 576 of 2018, pending in the court of



learned A.D.J. VIII, Saran at Chapra.

Learned court below is directed to take all necessary steps to expedite the trial of the petitioner.

Let F.S.L. report be returned to the Director, Regional Forensic Science Laboratory, Muzaffarpur, in sealed cover.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

