

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73297 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- HAYAGHAT District- Darbhanga

Mahendra Sahni Son of Late Bhaddo Sahni, Resident of Village - Bahpatti,
P.S.-Hayaghat, District - Darbhanga.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Iqbal Asif Niazi, Advocate
For the Opposite Party : Mr. Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 07-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 328 and 302/34 of the Indian Penal Code registered in connection with Hayaghat P.S. Case No. 37 of 2018.

3. It is submitted that the petitioner has been falsely implicated and except suspicion, there is no objective material to connect the petitioner with the alleged occurrence. The deceased died in his house and no statement has been made against the petitioner by the deceased prior to his death. Altercation took place between the deceased and his wife after he returned home in connection with the deceased having misbehaved the daughter-in-law of the petitioner a day prior to the occurrence. There was past enmity between the parties.

4. Pursuant to the order dated 20.12.2018, viscera report has been received in a sealed cover and the same was opened in Court today. The said report discloses that Ethyl



Alcohol along with Aluminium Phosphide was detected in the contents of glass jar as described above. Ethyl Alcohol is the chief intoxicating ingredient of alcoholic beverages whereas aluminium phosphide commercially known as CELPHOS is a severe gastro-intestinal irritant. It is used as a grain preservative and is highly poisonous.

5. Having regard to the nature of accusations, gravity of offence alleged and the finding in the viscera report showing presence of CELPHOS, this Court is not inclined to grant anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

BT/-

(Vikash Jain, J)

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