

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72325 of 2018

Arising Out of PS. Case No.-185 Year-2018 Thana- BAKHARI District- Begusarai

Binod Kumar Sah S/o Shubhak Sah @ Shubhak Lal Sah, R/o Vill- Bahuara,
P.S.- Bakhari, Dist- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr.Sri Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
26.06.2018 in a case registered for the offence punishable
under Sections 328,302,406,120B/34 of the I.P.C.

The prosecution case got initiated on the basis of
written report dated 07.06.2018 submitted by Navin Kumar Sah
to the Station House Officer, Parihara (O.P.), Begusarai Police
Station is to the effect that all the seven FIR named accused
persons, including the petitioner, used to come to the house of
the informant to meet his mother, as a result, the petitioner
became quite close with the informant's mother and in that
course, he took Rs.1,30,000/- from the mother of the informant



as loan, but whenever the mother of the informant used to ask for the money, he always used to make excuses. It is alleged that on 07.06.2018, at 2.30 P.M., the petitioner came at the door of the house of the informant and talked with his mother, but after 15 minutes of his departure, the informant's mother started wriggling and conveyed the informant that the petitioner in order to grab the loan amount has administered her poison.

It is submitted by learned counsel for the petitioner that admittedly, the informant is not an eye witness to the incidence of administering poison to the victim, rather there is no eye witness to the said incident. The postmortem does not reflect any resisting injury and viscera has been kept preserved. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary, which is available up to 20.09.2018, submits that the postmortem does not reflect any external injury, however, the viscera has been kept preserved.

Considering the fact that the accusation of administering poison to the victim is not corroborated by finding of any resisting injury during postmortem, suspicious



nature of accusation and the investigation being concluded without obtaining F.S.L. report, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V-cum-Sub-Judge-III, Begusarai, in connection with Bakhari P.S. Case No. 185 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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

