

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69621 of 2018

Arising Out of PS. Case No.-240 Year-2017 Thana- MINAPUR District- Muzaffarpur

Kamod Das @ Kamod Kumar Das @ Kamod Dash, S/o Nandu Das, resident of Village- Harka, P.S. Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70262 of 2018

Arising Out of PS. Case No.-240 Year-2017 Thana- MINAPUR District- Muzaffarpur

Vinod Das, S/o Nandu Das, Resident of Village- Harka, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69621 of 2018)

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Arun Kumar Singh -5

(In CRIMINAL MISCELLANEOUS No. 70262 of 2018)

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

8 05-08-2019 Both the aforesaid applications arise out of the same Minapur P.S. Case No. 240 of 2017 registered under Sections 304(B), 328 and 201/34 of Indian Penal Code. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.



The petitioners apprehend their arrest in connection with Minapur P.S. Case no. 240 of 2017, registered under Sections 304(B), 328 and 201/34 of the Indian Penal Code.

The accusation is of killing of the daughter of the informant by her husband, mother-in-law and brother-in-law by administering poison due to non-fulfillment of demand of cash of Rs. 50,000/-. The daughter of informant died on reaching at S.K.M.C.H., Muzaffarpur.

Learned counsel for the petitioners submits that, admittedly, the daughter of informant died at her matrimonial house within 40 days of her marriage. Further submission is that, in fact, the deceased was unsound mind due to that reason, she consumed poison. Further submission is that petitioner Kamod Das is the husband of the deceased, whereas petitioner Vinod Das is brother-in-law of the deceased. Further submission is that Vinod Das brother of husband of the deceased used to reside separate. The petitioners have no criminal antecedent.

On the other hand, learned A.P.P. appearing for the State opposed the prayer of the petitioners submitting that deceased, daughter of the informant, died at her matrimonial house within 40 days of her marriage. On chemical examination of the viscera of deceased, Aluminium Phosphide was detected.



Aluminium Phosphide commercially known as 'CELPHOS' is a severe gastro-intestinal irritant. It is used as a grain preservative and is highly poisonous.

Having regard to the facts and circumstances of the case, the petitioner in Criminal Miscellaneous No. 70262 of 2018, namely, Vinod Das is directed to be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P.S. Case No. 240 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner in Criminal Miscellaneous No. 69621 of 2018, namely, Kamod Das @ Kamod Kumar Das @ Kamod Dash is concerned, considering the the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner Kamod Das @ Kamod Kumar Das @ Kamod Dash. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which would



be considered by the trial Court in accordance with law without
being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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