

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62800 of 2018**

Arising Out of PS. Case No.-178 Year-2018 Thana- DUMRA District- Sitamarhi

1. Phool Kumari Devi Wife of Mahendra Singh,
2. Mahendra Singh, Son of Ramchandra Singh, Both R/o Village- Rupauli, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Sri Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 18-06-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the present application on behalf of the petitioner No.1 Phool Kumari Devi submitting that during the pendency of the case, she has been arrested.

Permission is granted.

Accordingly, the present application on behalf of the petitioner No.1 is hereby dismissed as withdrawn.

Petitioner No.2 is said to have committed the murder of his mother by administering her poisonous food by calling her at his house through his wife Phool Kumar Devi as the



deceased had refused to execute four Katha land in favour of the petitioner.

It is submitted by learned counsel for the petitioner No.2 that no such occurrence as alleged ever took place. Petitioner No. 2 has no concern with the aforesaid occurrence. He has been falsely implicated in this due to village politics. The occurrence was on 8.5.2018 and Inquest report and postmortem report of the dead body was conducted on 8.5.2018 but written report was filed on 10.5.2018 and the sons of the petitioner No. 2 were witnesses of the said Inquest report. The allegation of administering poison to the deceased is levelled against the Phool Kumari Devi and not against the petitioner No.2.

On the other hand, learned A.P.P. for the State vehemently opposing the bail petition submitted that the petitioner No. 2 has administered poison to the deceased by calling at his house through his wife as deceased did not execute land in his favour, witnesses have also supported the occurrence, hence petitioner does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner No.2 on bail. The prayer for bail of the petitioner No. 2 is hereby rejected.



However, the petitioner No. 2 is directed to surrender before the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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